

## **200 CHILD PROTECTIVE SERVICES**

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## **200.2 Philosophy Of Child Protective Services Investigations**

Child and Family Services works to ensure that children in Utah live in safe, permanent homes. Child Protective Services (CPS) is our first step toward ensuring protection and permanency for children. The Child and Family Services CPS worker's ability to assess the child's safety and the family's functioning will set the direction for all other services offered by Child and Family Services. Through the use of these major objectives and procedures, Child and Family Services CPS workers focus on five basic tasks in their daily work:

- A. What must I do to protect the child immediately and in the future?
- B. How do I engage the child and family in a way that will allow me to understand the child and family's needs and challenges beyond just those identified on the CPS case?
- C. How do I develop a relationship with the family that will facilitate their use of community resources?
- D. How do I assist the family in identifying its strengths, which will increase the possibility of the child remaining at home or returning home quickly?
- E. What must I do to ensure that the family has a smooth transition from the CPS case to ongoing services?

By asking these questions on a daily basis, Child and Family Services CPS workers will tie the Practice Model major objectives into CPS major objectives and procedures, guiding the actions of social workers throughout all CPS cases.

## **201 A Call For Help: A Community And State Collaborative Effort**

This section contains the major objectives and procedures that Child and Family Services workers need to receive, document, and categorize reports of child abuse, neglect, or dependency.

### **201.1 Intake**

#### Major objectives:

Child and Family Services shall maintain a child welfare management information system (SAFE) for receiving referrals or reports about child abuse, neglect, or dependency when there is reasonable cause to believe that abuse, neglect, or dependency occurred.

## **Summary of the Law**

### **62A-4a-116. Management Information System -- Requirements -- Contents -- Purpose -- Access.**

(1) The division shall develop and implement a Management Information System that meets the requirements of this section and the requirements of federal law and regulation. The information and records contained in the Management Information System are protected records under Title 63, Chapter 2, Government Records Access and Management Act, and except for the limited, specific, and narrow provisions relating to licensing, contained in Section 62A-4a-116.2, and those provisions relating to contract providers, described in Subsection (6), they are available only to those with statutory authorization to review under that law. They are also available to those who have a specific statutory authorization to access the record for the purpose of assisting the state with state and federal requirements to maintain information solely for the purpose of protecting minors and providing services to families in need.

(2) With regard to all child welfare cases, the Management Information System shall provide each caseworker with a complete history of each child in that worker's caseload, including the following information:

(a) a record of all past action taken by the division with regard to that child and the child's siblings;

(b) the complete case history and all reports and information in the control or keeping of the division regarding that child and the child's siblings;

(c) the number of times the child has been in the custody of the division;

(d) the cumulative period of time the child has been in the custody of the division;

(e) a record of all reports of abuse or neglect received by the division with regard to that child's parent, parents, or guardian including documentation of the latest status or the final outcome or determination regarding each report, including whether each report was found to be supported, unsupported, substantiated by a juvenile court, unsubstantiated by a juvenile court, or without merit;

(f) the number of times the child's parent or parents have failed any treatment plan; and

(g) the number of different caseworkers who have been assigned to that child in the past.

(3) The division's Management Information System shall also:

(a) contain all key elements of each family's current treatment plan, including the dates and number of times the plan has been administratively or judicially reviewed, the number of times the parent or parents have failed that treatment plan, and the exact length of time that treatment plan has been in effect; and

(b) alert caseworkers regarding deadlines for completion of and compliance with major objectives, including treatment plans.

(4) With regard to all child protective services cases, the Management Information System shall also:

(a) monitor the compliance of each case with division rule and major objectives, state law, and federal law and regulation; and

(b) include the age and date of birth of the alleged perpetrator at the time the abuse or neglect is alleged to have occurred, in order to ensure accuracy regarding the identification of the alleged perpetrator.

(5) Except as provided in Subsection (6) regarding contract providers and Section 62A-4a-116.2 regarding limited access to the Licensing Information System, all information contained in the division's Management Information System is available to the department, upon the approval of the executive director, on a need-to-know basis.

(6) (a) The division may allow its contract providers to have limited access to the Management Information System. A division contract provider has access only to information about persons who are currently receiving services from that specific contract provider.

(b) Each contract provider who requests access to information contained in the Management Information System shall:

(i) take all necessary precautions to safeguard the security of the information contained in the Management Information System;

(ii) train its employees regarding requirements for protecting the information contained in the Management Information System as required by this chapter and under Title 63, Chapter 2, Government Records Access and Management Act, and the criminal penalties under Sections 62A-4a-412 and 63-2-801 for improper release of information; and

(iii) monitor its employees to ensure that they protect the information contained in the Management Information System as required by law.

(c) The division shall take reasonable precautions to ensure that its contract providers comply with the requirements of this Subsection (6).

(7) The division shall take all necessary precautions, including password protection and other appropriate and available technological techniques, to prevent unauthorized access to or release of information contained in the Management Information System.

[See also: Administrative Rule [R512-200](#), which also follows Child Protective Services Practice Guidelines.]

#### Procedures

SAFE shall supply the CPS workers with a complete history for each child, including siblings, foster care episodes, all reports of abuse, neglect, or dependency, treatment plans, and casework deadlines.

## 201.2 Receiving The Referral

### Major objectives:

Each referral received by Child and Family Services regarding the safety and protection of a child shall be considered a potential referral and shall be documented by Intake in SAFE.

### **Summary of the Law**

#### **62A-4a-409. Investigation by division -- Temporary protective custody -- Preremoval interviews of children.**

(1) The division shall make a thorough pre-removal investigation upon receiving either an oral or written report of alleged abuse, neglect, fetal alcohol syndrome, or fetal drug dependency, when there is reasonable cause to suspect a situation of abuse, neglect, fetal alcohol syndrome, or fetal drug dependency. The primary purpose of that investigation shall be protection of the child.

### Procedures

The minimum required information for a referral in any form (e.g., fax, letter, or e-mail) shall include:

- A. A narrative description of a specific occurrence or allegation of abuse, neglect, or dependency, which falls into at least one of the defined categories in Major objectives [201.11](#).
- B. A means of identifying an alleged victim under the age of 18 years for each allegation, or to the age of 21 years if Child and Family Services has been assigned custody by a court.
- C. A means of locating (address or contact person) the alleged victim.
- D. Where possible, the following information is preferred in addition to the minimum required information:
  1. Where the abuse, neglect, or dependency occurred.
  2. When the incident occurred.
  3. Any witness to the incident.
  4. Physical evidence.
  5. Alleged victim name, address, phone number, birth date, and demographic characteristics.

- 256 6. Parent name, address, phone number, birth date, and demographic  
257 characteristics of alleged victim.
- 258 7. Alleged perpetrator name, address, phone number, birth date,  
259 demographic characteristics, and criminal history.
- 260 8. Referent name, address, and phone number.
- 261 9. Whether or not the referent would like to be contacted by the CPS worker.
- 262 10. Members of the household where the alleged victim resides.
- 263 11. Accessibility of the alleged perpetrator to the alleged victim.
- 264 12. School/child care information for the alleged victim.
- 265 13. Employment information for the parents.
- 266 14. Military information for the parents or the alleged perpetrator.
- 267 15. How the referent obtained the information regarding the allegation.
- 268 16. Willingness of the referent to testify.
- 269 17. Special circumstances/precautions recommended for investigation.
- 270 18. Third-party/collateral contacts.
- 271 19. History or occurrence of domestic violence.
- 272 20. Any other immediate protection needs.
- 273

## 201.3 Research Of Information

### Major objectives:

The CPS worker shall research all available additional sources to gather more pertinent complete information to help establish the validity, credibility, necessity, and priority of the referral information. In priority 1, 1R, and 2 investigations, Intake shall notify the CPS worker making the face-to-face contact within one hour of assigning the case and provide the CPS worker with information concerning prior investigations on SAFE.

## Summary of the Law

### **62A-4a-202.3(9) Investigation -- Substantiation of reports -- Child in protective custody.**

(1) When a child is taken into protective custody in accordance with Section 62A-4a-202.1, 78-3a-106, or 78-3a-301, or when the division takes any other action which would require a shelter hearing under Subsection 78-3a-306(1), the division shall immediately initiate an investigation of the circumstances of the minor and the facts surrounding the minor's being taken into protective custody.

(2) The division's investigation shall include, among other actions necessary to meet reasonable professional standards:

....(a) a search for and review of any records of past reports of abuse or neglect involving the same child, any sibling or other child residing in that household, and the alleged perpetrator;

....(b) with regard to a child who is five years of age or older, a personal interview with the child outside of the presence of the alleged perpetrator, conducted in accordance with the requirements of Subsection (7);

....(c) an interview with the child's natural parents or other guardian, unless their whereabouts are unknown;

....(d) an interview with the person who reported the abuse, unless anonymous; where possible and appropriate, interviews with other third parties who have had direct contact with the child, including school personnel and the child's health care provider;

....(e) an unscheduled visit to the child's home, unless the division has reasonable cause to believe that the reported abuse was committed by a person who does not:

- (i) live in the child's home; or  
(ii) have access to the child; and  
(g) if appropriate and indicated in any case alleging physical injury, sexual abuse, or failure to meet the child's medical needs, a medical examination. That examination shall be obtained no later than 24 hours after the child was placed in protective custody.
- (3) The division may rely on a written report of a prior interview rather than conducting an additional interview, if:
- (a) law enforcement has previously conducted a timely and thorough investigation regarding the alleged abuse or neglect and has produced a written report;  
(b) that investigation included one or more of the interviews required by Subsection (2); and  
(c) the division finds that an additional interview is not in the best interest of the child.
- (4) (a) The division's determination of whether a report is substantiated or unsubstantiated may be based on the child's statements alone.  
(b) Inability to identify or locate the perpetrator may not be used by the division as a basis for determining that a report is unsubstantiated, or for closing the case.  
(c) The division may not determine a case to be unsubstantiated or identify a case as unsubstantiated solely because the perpetrator was an out-of-home perpetrator.  
(d) Decisions regarding whether a report is substantiated, unsubstantiated, or without merit shall be based on the facts of the case at the time the report was made.
- (5) The division should maintain protective custody of the child if it finds that one or more of the following conditions exist:
- (a) the minor has no natural parent, guardian, or responsible relative who is able and willing to provide safe and appropriate care for the minor;  
(b) shelter of the minor is a matter of necessity for the protection of the minor and there are no reasonable means by which the minor can be protected in the minor's home or the home of a responsible relative;  
(c) there is substantial evidence that the parent or guardian is likely to flee the jurisdiction of the court; or  
(d) the minor has left a previously court ordered placement.
- (6) (a) Within 24 hours after receipt of a child into protective custody, excluding weekends and holidays, the division shall convene a child protection team to review the circumstances regarding removal of the child from the child's home or school, and prepare the testimony and evidence that will be required of the division at the shelter hearing, in accordance with Section 78-3a-306.  
(b) Members of that team shall include:  
(i) the caseworker assigned to the case and the caseworker who made the decision to remove the child;

- (ii) a representative of the school or school district in which the child attends school;
  - (iii) the peace officer who removed the child from the home;
  - (iv) a representative of the appropriate Children's Justice Center, if one is established within the county where the child resides;
  - (v) if appropriate, and known to the division, a therapist or counselor who is familiar with the child's circumstances; and
  - (vi) any other individuals as determined to be appropriate and necessary by the team coordinator and chair.
- (c) At that 24-hour meeting, the division shall have available for review and consideration, the complete child protective services and foster care history of the child and the child's parents and siblings.
- (7) After receipt of a child into protective custody and prior to the adjudication hearing, all investigative interviews with the child that are initiated by the division shall be audio or video taped, and the child shall be allowed to have a support person of the child's choice present. That support person may not be an alleged perpetrator.
- (8) The division shall cooperate with law enforcement investigations regarding the alleged perpetrator.
- (9) The division may not close an investigation solely on the grounds that the division investigator is unable to locate the child, until all reasonable efforts have been made to locate the child and family members. Those efforts include:
- (a) visiting the home at times other than normal work hours;
  - (b) contacting local schools;
  - (c) contacting local, county, and state law enforcement agencies; and
  - (d) checking public assistance records.

### Procedures

- A. Research includes querying required data sources for the following:
  - 1. Every known member of the alleged victim's immediate family/household. All siblings should be identified on the referral.
  - 2. The alleged perpetrator.
- B. Required sources for querying include (but are not limited to):
  - 1. SAFE directory.
  - 2. USSDS/PACMIS/TANF.
  - 3. BCI/NCIC reports on the alleged perpetrator.
  - 4. Child and Family Services Domestic Violence Database.
  - 5. Corrections Sex Offender Database.
  - 6. Other relevant data sources, as necessary.
- C. Recommended sources for querying include (but are not limited to):

- 388           1.     Motor Vehicle Department.  
389           2.     Office of Recovery Services Information System (ORSIS).  
390           3.     Internet sources to locate individuals through business or residential  
391                 addresses, or by phone numbers.  
392           4.     Third-party/collateral contacts.  
393

## 201.4 Disposition Of The Referral

### Major objectives:

The CPS Intake process shall be completed by or staffed with a licensed social worker, with the exception of "information only" contacts. The Child and Family Services director, in consultation with the Child and Family Services Board, has the option to approve the Intake process for a specific office.

## Summary of the Law

No governing statute.

### Procedures

The CPS Intake process shall consist of all actions taken by an Intake worker from the time contact is made with Child and Family Services until the information received is determined to be one of the following:

- A. Accepted referral: An accepted referral is one in which the minimum information required for a referral is obtained and opened for investigation (law enforcement shall be notified of accepted referrals).
- B. Unaccepted referral: A referral is unaccepted in situations including, but not limited to, any of the following:
  1. The minimum required information for accepting a referral is not available.
  2. As a result of research, the information is found not credible or reliable.
  3. The specific incidence or allegation has been previously investigated and no new information is gathered.
  4. If all the information provided by the referent were found to be true and the case finding would still be unsupported.
  5. The specific allegation is under investigation and no new information is gathered.
- C. Additional information or allegation: When there is an open CPS case and additional information is received, it is "attached" to the open CPS case in the computer. [See: Major objectives [202.2](#).] (The CPS worker is required to investigate any additional allegation that was not included with the initial case.)
- D. An information only contact: Non-child related calls (e.g., a request for the phone number of a community resource).

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435 E. Child and family assessment: If a case is eligible for a child and family  
436 assessment in an approved pilot office.

437

438 F. Conflict of interest cases: A case that involves allegations against a Child and  
439 Family Services licensed out-of-home care provider shall be forwarded to the  
440 contract provider investigator for Intake acceptance and priority determination.  
441 The contract provider shall make a final determination whether the referral is  
442 accepted or unaccepted within three working days.

443

## 201.5 Priority Of The Referral

### Major objectives:

The priority of the referral shall be based upon the information received at Intake, statute, and major objectives and shall be determined prior to the face-to-face contact with a child. The priority determines the time allotted for the Intake process and for the CPS worker to make a face-to-face contact with the alleged victim that drives the priority. If there is more than one allegation and more than one child, the Intake worker shall inform the CPS worker of the allegation and the identity of the alleged victim that drives the priority.

### **Summary of the Law**

No governing statute.

### Procedures

Child and Family Services shall prioritize referrals as follows:

- A. A priority 1 response shall be assigned when the child is in need of immediate protection as determined by the Intake checklist. Intake has no more than 30 minutes from the completion of the initial contact from the referent to receive additional information, staff the referral to determine the priority, notify law enforcement, and assign to the CPS worker. Intake shall provide the CPS worker with information concerning prior investigations on SAFE. The CPS worker has a maximum of 60 minutes from the moment Intake notifies the worker to make the face-to-face contact with an alleged victim. For a priority 1R (rural) referral, a CPS worker has a maximum of three hours if the alleged victim is more than 40 miles from the investigator who is assigned to make the face-to-face contact.
- B. A priority 2 response shall be assigned when physical evidence is at risk of being lost or the child is at risk of further abuse, neglect, or dependency, but the child does not have immediate protection and safety needs, as determined by the Intake checklist. Intake has no more than 60 minutes from the completion of the initial contact from the referent to receive additional information, staff the referral to determine the priority, assign the referral to the CPS worker, and notify law enforcement. Intake shall give verbal notification to the assigned CPS worker. Intake shall also provide the CPS worker with information concerning prior investigations on SAFE. The CPS worker has 24 hours from the moment Intake notifies the worker to make the face-to-face contact with the alleged victim. Notification of a priority 2 referral received after normal working hours

(8:00 a.m. through 5:00 p.m.) shall occur no later than 9:00 a.m. the following morning.

C. A priority 3 response shall be assigned when potential for further harm to the child and the loss of physical evidence is low. The Intake worker has no more than one working day from the completion of the initial contact from the referent to receive additional information, research data sources, staff the referral as necessary, determine the priority, complete documentation including data entry, disposition to CPS, and notify law enforcement. Intake shall also provide the CPS worker with information concerning prior investigations on SAFE. The CPS worker has until midnight of the third working day from the moment Intake assigns the case to make the face-to-face contact with the alleged victim.

D. A priority 4 response shall be assigned when one or more of the following apply and there are no safety or protection issues identified:

1. A juvenile court or district court orders an investigation where there are no specific allegations of abuse, neglect, or dependency (unless otherwise ordered by the court).
2. There is an alleged out-of-home perpetrator (an alleged perpetrator who does not reside with or have access to the child) and there is no danger that critical evidence will be lost.
3. An agency outside the state of Utah requests a courtesy investigation, and the circumstances in the case do not meet the definition of a priority 1, 1R, 2, or 3.

Intake has a maximum of one working day from the completion of the initial contact from the referent to receive additional information, research data sources, staff the referral as required, determine the priority, and complete all documentation, including data entry into SAFE, assign the case to CPS, and notify law enforcement. The CPS worker has a maximum of five working days (unless otherwise ordered by the court) from the moment Intake assigns the case to complete the face-to-face contact with the alleged victim.

E. Intake has until midnight of the fifth working day to enter all unaccepted referrals into SAFE.

## 201.6 Out-Of-State Abuse Or Neglect Report

### Major objectives:

Child and Family Services will take reasonable steps to ensure that reports of abuse or neglect are referred for investigation to the appropriate out-of-state agency and shall take reasonable steps to adequately protect children in Utah who were victims of abuse in another state or country from the alleged perpetrator.

## Summary of the Law

### **62A-4a-105. Division responsibilities.**

The division shall:

(3) cooperate with the federal government in the administration of child welfare and domestic violence programs and other human service activities assigned by the department;

### Procedures

A. When a referent identifies an incident of abuse or neglect that occurred in a different state, and the child is not in Utah at the time of the referral, the Intake worker shall:

1. Inform the referent that the out-of-state allegations should be referred to the child welfare agency in the other state and complete the steps identified below:

a. Determine if the referent is willing to make a report to the child welfare agency in the state where the incident occurred. If the referent is willing to make a report, the Intake worker shall also:

- i. Assist the referent by providing the name and phone number of the agency where the report can be made;
- ii. Document the unaccepted referral.

b. If the referent is unable or unwilling to make a report to the other state child welfare agency and it cannot be determined that any failure to protect or other child protection issues are present in the state of Utah, the Intake worker shall:

- i. Obtain all relevant information on the incident of abuse or neglect and make the referral to the child welfare agency in the state where the incident occurred;
- ii. Document the unaccepted referral.

B. When the referent identifies an incident of abuse or neglect that occurred outside Utah but the child is in Utah at the time of the referral, the CPS worker shall:

1. Obtain all the information needed to complete a referral.
2. Determine whether the child is at risk of abuse or neglect from the alleged perpetrator.
3. Contact the child protective service agency in the state where the incident of abuse occurred and complete the referral process of that state.
4. Assign the referral to a CPS worker for a courtesy interview and coordination with the other state's investigation, when requested.
5. In domestic violence related child abuse cases, recognize another state's protective order (recognized by full faith and credit).
6. If the other state refuses to open an investigation and the child needs services or there are ongoing safety concerns, the referral shall be assigned to a CPS worker for investigation.

C. When a referent identifies an incident of abuse or neglect that occurred in Utah and the child is not in Utah at the time of the referral, the Intake worker shall:

1. Obtain all the information needed to complete a referral.
2. Determine the location of the child and the length of time the child will be at their current location. If the child will be outside the state of Utah longer than 30 days, a request for courtesy casework will be made in the state where the child is currently located.
3. If the child is determined to be at risk, a request will be made for courtesy casework within the Intake priority time frame. [See: [Section 201.5](#) for priority time frames.]

## 201.7 Case Assignment Based On Child Location

### Major objectives:

The Intake worker shall assign the referral to the appropriate office/ supervisor/ worker for a CPS investigation within the established time frame. [See: [Section 201.5.](#)]

### **Summary of the Law**

No governing statute.

### Procedures

- A. Child in a permanent location: The Child and Family Services office serving the geographical area in which a child is physically located shall be responsible to investigate an allegation of abuse, neglect, or dependency, unless the child's location is temporary (such as visitation with a non-custodial parent or placement in a short-term program).
- B. Child in a temporary location: If the child's location is temporary and the child will be moving to a known location during the 30-day investigative period, the Child and Family Services office serving the geographical area in which the child's parent or guardian resides shall be responsible to complete the investigation. The CPS worker may request courtesy assistance from another CPS worker in the area where the child is initially located to complete the investigative functions related to the child. If a priority 1, 1R, or 2 referral is received in the geographical area where the child is located but the parent or guardian resides elsewhere, the receiving office shall make the face-to-face contact, determine immediate protection needs, and transfer the case to the area where the child's parent or guardian resides for completion of the investigation.

## 201.8 Courtesy Casework Request From An Out-Of-State Agency

### Major objectives:

Child and Family Services shall respond to requests from an out-of-state child welfare agency, law enforcement, or other official investigative agencies to assist in the protection of children.

### **Summary of the Law**

#### **62A-4a-401. Legislative purpose.**

It is the purpose of this part to protect the best interests of children, offer protective services to prevent harm to children, stabilize the home environment, preserve family life whenever possible, and encourage cooperation among the states in dealing with the problem of child abuse.

### Procedures

If a request is made for casework activities by an out-of-state child welfare agency, law enforcement, or other official investigative agency, Intake shall process the request by complying with relevant Utah Child and Family Services major objectives and completing the following:

- A. Intake shall obtain the child's name, address, and all information relative to the request for courtesy casework activities.
- B. The courtesy casework activities requested shall be assigned by Intake to the appropriate geographical Child and Family Services supervisor or worker.
- C. Upon completion of the courtesy casework activities, the activity recording created by the assigned CPS worker shall be documented in SAFE.

## 201.9 Allegation Categories For Abuse, Neglect, Or Dependency

### Major objectives:

Child and Family Services shall investigate an allegation of child abuse, neglect, or dependency when there is reasonable cause to suspect a situation of abuse, neglect, or dependency.

### **Summary of the Law**

#### **62A-4a-409. Investigation by division -- Temporary protective custody -- Preremoval interviews of children.**

(1) The division shall make a thorough pre-removal investigation upon receiving either an oral or written report of alleged abuse, neglect, fetal alcohol syndrome, or fetal drug dependency, when there is reasonable cause to suspect a situation of abuse, neglect, fetal alcohol syndrome, or fetal drug dependency. The primary purpose of that investigation shall be protection of the child.

[See also: Administrative Rule [R512-202](#), which also follows the Child Protective Services Practice Guidelines.]

### Procedures

The Intake worker receiving a report of child abuse, neglect, or dependency shall categorize the information into at least one of the following (more than one category may be documented, if applicable):

#### A. Abuse:

##### 1. Child endangerment:

- a. Cited DUIs with children in the vehicle.
- b. Homes where there are lab paraphernalia, chemicals for manufacturing of illegal drugs, access to illegal drugs, distribution of illegal drugs in the presence of a child, or loaded weapons in the reach of the child.
- c. Giving children illegal drugs or substances, alcohol, tobacco or non-prescribed/not recommended medications for that child.
- d. Involving a child in the commission of crimes, such as shoplifting.

##### 2. Domestic Violence Related Child Abuse:

- a. Potential for or actual injury to a child during a domestic violence episode.
- b. Violent physical and/or verbal altercation between adults, witnessed by a child.

- 
3. Emotional maltreatment:
    - a. General emotional maltreatment, such as a pattern or severe isolated incident of:
      - i. Demeaning or derogatory remarks;
      - ii. Parental alienation causing emotional distress to the child;
      - iii. Perception of or actual threatened harm;
      - iv. Teaching the child illegal behavior;
      - v. Severe or chronic role reversal where the child assumes the majority of adult or caregiver responsibilities;
      - vi. Custody disputes leading to multiple false reports to CPS;
      - vii. Multiple unnecessary physical examinations.
  4. Material harmful to a child.
  5. Physical abuse:
    - a. Physical abuse, general, including (but not limited to):
      - i. Non-accidental injury to a child that may or may not be visible;
      - ii. Unexplained injuries to an infant or toddler;
      - iii. Unexplained injuries to a disabled or non-verbal child.
  6. Physical abuse, serious:
    - a. Non-accidental physical injury or a set of injuries, which may or may not be visible, that seriously impairs the child's health, or which involves physical torture or causes serious emotional harm to the child, or which involves a substantial risk of death [see: Utah Code Ann. [§76-5-109\(c\)](#)], including:
      - i. Fracture of any bone or bones;
      - ii. Intracranial bleeding, swelling, or contusion of the brain, or retinal hemorrhaging, whether caused by blows, shaking, or causing the child's head to impact with an object or surface (such as Shaken Baby Syndrome);
      - iii. A burn, including burns inflicted by hot water or those caused by placing a hot object upon the skin or body of the child;
      - iv. An injury caused by use of a deadly or dangerous weapon;
      - v. A combination of two or more physical injuries inflicted by the same person, either at the same time or on different occasions;
      - vi. Damage to internal organs of the body;
      - vii. Conduct toward a child that results in severe emotional harm, severe developmental delay or retardation, or severe impairment of the child's ability to function;

- 
- 723                               viii.    An injury that creates a permanent disfigurement or  
724                               protracted loss or impairment of the function of a bodily  
725                               member, limb, or organ;  
726                               ix.     Conduct that causes a child to cease breathing, even if  
727                               resuscitation is successful following the conduct;  
728                               x.     Conduct that results in starvation or malnutrition that  
729                               jeopardizes the child's life.
- 730       7.    Fetal exposure to alcohol or other substances.  
731       8.    Fetal addiction to alcohol or other harmful substances.  
732       9.    Pediatric Condition Falsification (formerly known as Munchausen  
733       Syndrome by Proxy).  
734       10.   Ritual abuse:  
735           a.    Abuse involving the use of ceremonies or rites:  
736                i.    Severe physical abuse such as torture;  
737                ii.   Painful, sadistic, humiliating sexual abuse;  
738                iii.   Psychological abuse such as indoctrination using mind  
739                control techniques and mind altering drugs, or use of  
740                intimidation and terrorization.
- 741       11.   Sexual abuse:  
742           a.    Incest;  
743           b.    Molestation;  
744           c.    Sexual intercourse;  
745           d.    Sodomy;  
746           e.    Oral sexual contact;  
747           f.    Digital and/or object penetration;  
748           g.    Indecent liberties;  
749           h.    Sexual acts;  
750           i.    Rape and object rape of a child;  
751           j.    Forcing or coercing a child to observe sexual activities;  
752           k.    Sexual acts with animals;  
753           l.    Forcing or coercing a child to engage in sexual activity with an  
754                adult with or without legal marriage.
- 755       12.   Lewdness.  
756       13.   Sexual exploitation of a child, including (but not limited to) prostitution  
757       and pornography.  
758
- 759   B.    Neglect:  
760       1.    Medical neglect/PKU: This allegation or finding needs to be based on the  
761       opinion of the child's primary care physician or other licensed medical  
762       professional. A parent or guardian may obtain a second opinion to be

- 
- 763 considered in determining medical neglect, at their own expense. A  
764 parent or guardian may obtain a second medical opinion to present for  
765 consideration by Child and Family Services, but Child and Family  
766 Services is not bound by the opinion and shall consider the totality of the  
767 facts.
- 768 2. Baby Doe (congenital birth defect that parents or caregiver declines to  
769 treat).
- 770 3. Failure to thrive.
- 771 4. Physical health.
- 772 5. Psychological health.
- 773 6. Dental health.
- 774 7. Pediatric Condition Falsification (formerly known as Munchausen  
775 Syndrome by Proxy).
- 776 8. Physical neglect.
- 777 9. Neglect chronic/severe.
- 778 10. Sibling or child at risk.
- 779 11. Educational neglect.
- 780 12. Failure to protect.
- 781 13. Non-supervision.
- 782 14. Abandonment.
- 783 15. Environmental neglect: Physical neglect of the environment such as  
784 absence of utilities, home conditions below minimum standards, hazards,  
785 etc.
- 786
- 787 C. When information is received regarding a child fatality resulting from abuse or  
788 neglect or where the cause of death is undetermined, Intake shall accept a  
789 referral for CPS investigation. The referral shall include any known  
790 siblings/children at risk.
- 791
- 792 D. Dependency: A child who is homeless or without proper care through no fault  
793 of the child's parent, guardian, or custodian; institutionalization of a parent or  
794 guardian who has not or cannot arrange for safe and appropriate care for the  
795 child.
- 796
- 797 E. Court ordered: Referral made by a court order mandating a Child and Family  
798 Services investigation on a case where no other allegation is specified. A case  
799 finding of supported cannot be made on an unknown allegation. The worker  
800 must specify another category of abuse, neglect, or dependency to make a  
801 supported finding.
- 802

- 803 F. Safe relinquishment of a child: A parent or a parent's designee may safely  
804 relinquish a newborn child at a hospital in accordance with the requirements of  
805 Utah Code Ann. [§62a-4a-802](#) and retain anonymity, as long as the child has not  
806 been subjected to abuse, neglect, or dependency.  
807

## **201.10 Missed Priority Time Frames**

### Major objectives:

The appropriate Missed Priority Time Frame form/SAFE documentation shall be completed when the Intake worker is unable to meet Intake priority time frames established by major objectives. The Intake worker shall forward the Missed Priority Time Frame form or documentation along with the reasons the time frame was missed to the Intake supervisor, region director, or designee for review and approval. The approval or non-approval shall be documented. All referrals with out-of-home providers shall be forwarded to the contract entity for acceptance and priority determination.

### **Summary of the Law**

No governing statute.

### Procedures

The Intake worker shall notify the Intake supervisor and region director or designee of the missed priority and the reason it was missed.

## **201.11 Referral Of Abuse, Neglect, Or Dependency In Licensed Child Care Providers And Out-Of-Home Care Providers**

### Major objectives:

The Department of Health Child Care Licensing unit and/or the Department of Human Services (DHS) Office of Licensing and appropriate Child and Family Services staff shall be notified by Intake when Child and Family Services receives a referral for an allegation of child abuse, neglect, or dependency against a licensed child care provider or out-of-home care provider. The referral shall be forwarded to the contract entity for conflict of interest investigations when the allegation involves a child living in substitute care while in protective custody or temporary custody of Child and Family Services and may be forwarded to the contract entity for conflict of interest investigations when the allegation involves a biological or adopted child of a Child and Family Services employee/provider.

### **Summary of the Law**

#### **62A-4a-409 Investigation by division -- Temporary protective custody -- Preremoval interviews of children.**

...(5) In any case where the division supervises, governs, or directs the affairs of any individual, institution, or facility that has been alleged to be involved in acts or omissions of child abuse or neglect, the investigation of the reported child abuse or neglect shall be conducted by an agency other than the division.

### Procedures

- A. Intake procedure for child care providers: CPS investigation requirements for child care providers shall be the same as for other referrals investigated by Child and Family Services. Time frames are the same as for other referrals.
- B. Intake procedure for out-of-home care conflict of interest investigations:
  1. Upon receipt of an allegation of child abuse, neglect, or dependency, Intake workers shall determine if the alleged perpetrator is an out-of-home care provider or Child and Family Services employee. If so, the Intake worker shall complete the following:
    - a. SAFE forms for child abuse, neglect, or dependency reporting, including any forms relating to out-of-home abuse.
    - b. Intake Checklist.
    - c. Authorization to Furnish Information and Release from Liability form (between Child and Family Services and the contract investigator).
    - d. Mandatory report form to local law enforcement.

- 
- 868 e. Notify the DHS Office of Licensing.  
869 f. CPS workers with children placed in the provider's home.  
870 2. Case assignment, when a contracted conflict of interest investigator is not  
871 involved:  
872 a. Notify the law enforcement agency in the area where the incident  
873 occurred and request assistance with the investigation; if the law  
874 enforcement agency agrees to assist with the investigation, the  
875 referral will be assigned according to Major objectives [201.8](#), either  
876 to the area in which the child is located if the child is in a  
877 permanent location (permanent location being that the child is  
878 expected to remain at the current location for at least the next 30  
879 days) or to the area in which the child's parent or guardian resides  
880 if the child is in a temporary location; if the alleged victim is a child  
881 in foster care, the CPS worker is considered the guardian.  
882 b. The CPS worker assigned to the case will then coordinate with the  
883 law enforcement agency to complete the investigation as defined in  
884 Major objectives [201.8](#); the only exceptions to the above procedures  
885 are referrals with allegations of sexual abuse, which are always  
886 assigned to the area that the incident occurred if known.  
887 c. If the law enforcement agency refuses for any reason to assist in the  
888 investigation, Intake will contact another region in order that the  
889 referral be assigned for a conflict of interest investigation.  
890 3. Case assignment, when a conflict of interest investigator is involved:  
891 a. Notification of contract investigator and CPS worker: the Intake  
892 worker shall promptly contact and notify a specific contract  
893 investigator and a CPS worker about the case.  
894 b. If the contract investigator wishes to assign the case to a different  
895 contract investigator, the contract investigator shall notify Intake  
896 promptly about any change in case assignment.  
897 c. If the subject of the investigation has other biological or adopted  
898 children in addition to the reported alleged victim and the contract  
899 investigator determines that those children may also be at risk, the  
900 contract investigator shall contact the CPS worker assigned to the  
901 case; the assigned CPS worker will complete an interview to  
902 determine if the biological or adopted children should be removed  
903 from the home.  
904 4. Record-keeping: Intake shall retain the original copy of all documentation  
905 gathered during the investigation, and shall maintain those documents for  
906 case closure, unless otherwise directed by the contract investigator.  
907

## 201.12 72-Hour Hold By A Physician

### Major objectives:

Upon notification to Intake or to CPS on-call by a physician taking protective custody of a child and subsequently placing the child on a 72-hour hold, Intake shall process the referral as a priority 1, 1R, or 2 response.

## Summary of the Law

### 62A-4a-407. Protective custody.

(1) A physician examining or treating a child may take the child into protective custody not to exceed 72 hours, without the consent of the child's parent, guardian, or any other person responsible for the child's care or exercising temporary or permanent control over the child, when the physician has reason to believe that the child's life or safety will be in danger unless protective custody is exercised.

(2) The person in charge of a hospital or similar medical facility may retain protective custody of a child suspected of being abused or neglected, when he reasonably believes the facts warrant that retention. This action may be taken regardless of whether additional medical treatment is required, and regardless of whether the person responsible for the child's care requests the child's return.

(3) The division shall be immediately notified of protective custody exercised under this section. Protective custody under this section may not exceed 72 hours without an order of the district or juvenile court.

### Procedures

[See: [Section 201.5](#), Priority of the Referral.]

## **202 First Contact: Immediate Assessment And Safety**

### **202.1 CPS Investigation And Assessment**

#### Major objectives:

The CPS worker shall assess protection, risk, and safety needs of a child and the family strengths and needs, as well as their ability and willingness to protect. The CPS worker shall make a finding at case closure based on facts gathered during the investigation.

### **Summary of the Law**

#### **62A-4a-409**

3) The division shall make a written report of its investigation. The written report shall include a determination regarding whether the alleged abuse or neglect was substantiated, unsubstantiated, or without merit.

[See also: Administrative Rule [R512-201](#), which also follows the Child Protective Services Practice Guidelines.]

#### Procedures

A CPS investigation shall include (but is not limited to) the following:

- A. Interviews.
- B. Assessments.
- C. Team consultations/staffings.
- D. Service coordination.
- E. Case closure.

## 202.2 CPS Investigation Of A Case Receiving Services From Child And Family Services

### Major objectives:

When Child and Family Services receives information regarding a new incident of abuse, neglect, or dependency on a family or child receiving ongoing services, a new referral shall be generated and a CPS worker shall conduct the investigation. The CPS worker and ongoing worker shall collaborate to ensure that the investigation is conducted in the best interest of the child.

The CPS worker shall notify the Attorney General's Office and the Guardian ad Litem when the case is under the jurisdiction of the court.

### **Summary of the Law**

No governing statute.

### Procedures

The CPS worker may request that the ongoing caseworker complete some of the requirements of the investigation.

## 202.3 Review Of Prior Records

### Major objectives:

During the initial phase of the investigation, the CPS worker shall review all relevant records that are maintained by Child and Family Services and, when possible, by any other agencies or individuals. This includes records on the child, alleged perpetrator, and all members of the household. The CPS worker shall review the details of the prior Child and Family Services cases.

### **Summary of the Law**

#### **62A-4a-202.3. Investigation -- Substantiation of reports -- Child in protective custody.**

(2) The division's investigation shall include, among other actions necessary to meet reasonable professional standards:

(a) a search for and review of any records of past reports of abuse or neglect involving the same child, any sibling or other child residing in that household, and the alleged perpetrator;

### Procedures

The CPS worker shall review the following types of information, when applicable and available:

- A. Child and Family Services records.
- B. TANF records.
- C. Police and/or court reports, including those for domestic violence (e.g., incident, arrest, protective orders, correction records, etc.).
- D. Court records relating to custody and visitation.
- E. BCI/NCIC reports on the alleged perpetrator.
- F. School records.
- G. Medical records, including the child's primary care provider.
- H. Information as to the eligibility for or membership in a Native American tribe.

- 1029 I. Any other relevant records.  
1030  
1031 [See: Utah Code Ann. [§62A-4a-202.3.](#)]  
1032

## 202.4 Priority And Face-To-Face Contact

### Major objectives:

The priority shall be based upon the information received at Intake and shall be determined prior to the face-to-face contact with a child. The priority determines the time allotted for the CPS worker to make face-to-face contact with the alleged victim, regardless of age. In cases involving multiple alleged victims, the allegation driving the highest priority determines the overall priority response for the referral. The alleged victim with the highest priority allegation shall be seen within the priority response time frame. All alleged victims on the case shall be seen in a timely manner.

The purpose of the face-to-face contact is to assess immediate protection and safety needs for the child and conduct an initial assessment of the family's capacity to protect the child.

## Summary of the Law

No governing statute.

### Procedures

- A. The priority time frame for the face-to-face contact begins when Intake assigns the referral to the CPS worker. An investigative interview is not required at the initial contact.
  1. Priority 1 response shall be assigned when the child is in need of immediate protection as determined by the Intake Checklist:
    - a. The CPS worker has a maximum of 60 minutes from the moment of notification by Intake to make the face-to-face contact with an alleged victim;
    - b. In a priority 1R (rural), the CPS worker has a maximum of three hours to make the face-to-face contact if the alleged victim is more than 40 miles from the worker.
  2. A priority 2 response shall be assigned when physical evidence is at risk of being lost or the child is at risk of further abuse, neglect, or dependency, but the child does not have immediate protection and safety needs, as determined by the Intake Checklist:
    - a. The CPS worker has a maximum of 24 hours from the moment of notification by intake to make face-to-face contact with an alleged victim;

- 1071                    b.        Assignment to the CPS worker of a priority 2 referral that is  
1072                                            received outside of normal working hours (8:00 a.m. to 5:00 p.m.),  
1073                                            shall occur by no later than 9:00 a.m. the following morning.
- 1074                    3.        A priority 3 response shall be assigned when potential for further harm to  
1075                                            the child or the loss of physical evidence is low:
- 1076                                            a.        The CPS worker has until midnight of the third working day from  
1077                                                            the moment Intake assigns the case to complete the face-to-face  
1078                                                            contact with an alleged victim.
- 1079                    4.        A priority 4 response shall be assigned when there are no apparent safety  
1080                                            or protection issues to the child, or when the court orders Child and  
1081                                            Family Services to make an investigation but where there are no specific  
1082                                            allegations of abuse, neglect, or dependency:
- 1083                                            a.        The CPS worker has a maximum of five working days (unless  
1084                                                            otherwise ordered by the court) from the moment Intake assigns  
1085                                                            the case to complete the face-to-face contact with an alleged victim.  
1086

## 202.5 Missed Priority Time Frames

### Major objectives:

The CPS worker shall complete appropriate documentation in SAFE and staff the case with a licensed worker when they are unable to make face-to-face contact with an alleged victim on the case within the priority time frame.

### **Summary of the Law**

No governing statute.

### Procedures

When priority response is missed, the CPS worker must complete the appropriate documentation in SAFE, obtain a signature from the supervisor, and send a copy to the region director. A missed priority response can only be approved when the worker documents reasonable efforts to locate and complete a face-to-face contact with the child. These may include:

- A. Visit the child at school. If the child is not at school, check school records for emergency contact information.
- B. Visit the child at home. Make an unscheduled home visit. Document if the family was home but refused to answer the door.
- C. Attempt contact after traditional work hours.
- D. Attempt contact during the weekend.
- E. Re-check the address of the family on the CANR.
- F. Document if the spoken language of the child/family differs from the worker's and if a translator was not immediately available.
- G. Obtain reliable collateral information to indicate the family is gone for more than three working days (i.e., on vacation).
- H. Determine if the child is in an alternative placement with parent (i.e., shelter) but not at the placement at the time of the worker visit.

- 1126 I. Obtain reliable collateral information confirming no contact between the alleged  
1127 victim and the alleged out-of-home perpetrator, and little or no risk to the  
1128 alleged victim requiring immediate interview.  
1129
- 1130 J. Document if the case requires a joint law enforcement interview that cannot be  
1131 arranged within the priority response time, and the risk to the alleged victim is  
1132 assessed to be low and does not require immediate intervention for the child's  
1133 protection.  
1134
- 1135 K. Document if the caregiver refused to allow an interview with the child(ren).  
1136
- 1137 L. Check other agency records for another address for the child.  
1138
- 1139 M. Check with relatives who may have knowledge of the alleged victim's  
1140 whereabouts.  
1141

## **202.6 Immediate Protection And Safety Assessment For The Child**

### Major objectives:

The CPS worker shall assess the immediate protection and safety needs of a child and the family's capacity to protect the child. The CPS worker shall include a domestic violence assessment, when appropriate. If a staffing is required, the CPS worker shall document the staffing and the decisions made regarding the safety of the child.

When domestic violence is a risk factor, a consultation on the case will be held with a supervisor and a domestic violence professional. Should a domestic violence safety plan be identified, documentation into the activity recording shall only include language to the effect that a safety plan was identified for the adult and for the children. The CPS worker shall not document the specifics of any plan that was identified for or by the non-offending adult or child. All information shall be confidential to protect the safety of the non-offending adult and child.

The Domestic Violence Safety Plan cannot be released when a request is made for records.

### **Summary of the Law**

#### **62A-4a-105**

(17) provide domestic violence services in accordance with the requirements of federal law, and establish standards for all direct or contract providers of domestic violence services. Within appropriations from the Legislature, the division shall provide or contract for a variety of domestic violence services and treatment methods;

#### **63-2-203**

The Domestic Violence Safety Plan is a protected record.

### Procedures

The CPS worker shall assess the immediate protection and safety needs of the child after the initial contact by using the approved Immediate Protection Safety Assessment tool.

If one high risk indicator or three or more other risk indicators are identified on the Immediate Protection and Safety Assessment, the case shall be staffed with a treatment supervisor or a licensed worker in a timely manner.

A. A safety agreement shall be completed, as appropriate.

- 1182  
1183 B. Safety agreements must be reasonably calculated to provide safety and should  
1184 not rely on promises from caregivers with a known history of failing to  
1185 adequately protect the child.  
1186  
1187 C. The child's safety agreement shall be fully documented and maintained in the  
1188 CPS record, unless domestic violence is a risk factor.  
1189  
1190 D. An initial safety agreement that provides temporary safety shall not complete the  
1191 investigation.  
1192  
1193 E. Domestic violence shall be thoroughly assessed and safety shall not be assumed  
1194 when the alleged perpetrator is not in the home.  
1195

## **202.7 Conversion Of An Investigation Into A Family Assessment**

### Major objectives:

Child and Family Services shall convert a case from a CPS case to a Family Assessment when applicable.

### **Summary of the Law**

#### **62A-4a-202.7. Pilot program for differentiated responses to child abuse and neglect reports.**

(6)(c) The division may refer a case for a family assessment if at any time during the investigation, the division determines that:

(i) the case is limited to a form of abuse or neglect listed in Subsection (7); or

(ii) (A) the harm to the child is minor; and

(B) the family indicates a willingness to participate in a family assessment.

(d) The division shall conduct an investigation anytime that it receives a report accepted for investigation under this Subsection (6), even if:

(i) the report also includes allegations that would qualify for a family assessment under Subsection (7); or

(ii) a second report is received before the investigation has occurred that would qualify for a family assessment under Subsection (7).

### Procedures

If, at any time during an investigation, Child and Family Services determines that both of the following conditions apply, convert the case to a Family Assessment:

A. The harm to the child is minor and the family indicates a willingness to participate in a family assessment.

B. The case is limited to one or more of the following:

1. The child is ungovernable.

2. There has been neglect involving a verbal child over five years old that is not serious or chronic.

3. There has been domestic violence outside of a child's presence.

4. Three unaccepted reports have been received involving the same family.

5. A parent and child conflict exists indicating a significant breakdown in the parent/child relationship and the need for direct intervention to prevent a foreseeable risk of violence or abuse.

6. There has been educational neglect.

## 202.8 Medical Examination Of The Child

### Major objectives:

Child and Family Services staff shall ensure timely medical attention to a child when there has been trauma caused from severe maltreatment, serious physical injury, recent sexual abuse, fetal addiction, or any exposure to a hazardous environment, including those involving illegal drug/chemical production.

### Summary of the Law

#### **62A-4a-202.3 Investigation -- Substantiation of reports -- Child in protective custody.**

(g) if appropriate and indicated in any case alleging physical injury, sexual abuse, or failure to meet the child's medical needs, a medical examination. That examination shall be obtained no later than 24 hours after the child was placed in protective custody.

### Procedures

- A. Child and Family Services staff will obtain all pertinent medical information needed to provide proper medical care for the child. This would include the child's current medical diagnosis, allergies, medications, and primary care providers.
- B. When necessary and indicated, a medical examination shall be completed within 24 hours in a priority 1 and 1R investigation, and in a timely manner in priority 2, 3, and 4 investigations. [See: Utah Code Ann. [§62A-4a-202.3\(2\)\(g\).](#)]
- C. Timely medical attention by a qualified health care provider will be ensured by Child and Family Services staff when there is:
  1. Any inadequately explained serious physical injury, especially in a child under the age of two years.
  2. Serious untreated physical injury regardless of the known cause in children of all ages.
  3. Recent sexual abuse (within 72 hours) where there is an indication of physical trauma to the child and/or a need to gather evidence.
  4. Fetal addiction.
  5. Medical neglect involving serious medical conditions.
  6. Exposure to any hazardous environment, including illegal drug production.
- D. If a child has been treated for health concerns related to allegations of abuse or neglect or if a child has been removed and has received medical treatment

including surgeries, laboratory testing, x-ray studies, and/or hospitalizations within the last seven days or is receiving medications, the CPS worker must contact the child's health care provider within 24 hours. If the child has a serious condition, the health care provider should be contacted immediately. The CPS worker should be persistent in contacting the health care provider.

E. The Health Care Team may assist in collecting medical information.

F. Past history – The CPS worker should obtain the following medical information:

1. Prior medical condition for which the child has received medical attention now or in the past.
2. Nature of the condition and symptoms.
3. Name of treating physician or clinic.
4. Medications (name, strength, frequency, prescribing physician). Bring the medication container with the client, if available.
5. Allergies, including foods, medications, and environmental allergens.

G. Date the child was last seen by any health care provider.

1. Nature of visit.
2. Required follow-up.

H. Name and location of all health care providers.

I. The CPS worker shall notify the child's health care provider of the following:

1. The child's caregiver contact number.
2. The CPS worker contact number.
3. The Health Care Coordinator contact number.
4. The child's legal guardian or custodian.

J. Medications and treatments including, but not limited to:

1. Prescribed medications.
2. Inhalers, eye drops, dental, or hearing appliances.
3. Over-the-counter medications.
4. Herbal or homeopathic treatments.
5. Illegal drugs.

K. Other:

1. Immunization record.
2. High risk behavioral concerns such as:
  - a. Sleepwalking;

- b. Self-mutilation.

**Authorization for Medical Procedures**

The CPS worker shall consult with a health care provider to determine whether specialized medical tests (i.e., CAT scan, skeletal x-rays, MRI [Magnetic Resonance Imaging], Sonogram, Ultrasound, etc.) are needed. The health care provider may order the specialized medical tests as needed. The cost of any test(s) required by Child and Family Services may be the responsibility of Child and Family Services to pay. Therefore, if tests are recommended, advanced authorization for payment should be provided by regional administration.

**Serious Medical Neglect and Emergency Court Ordered Medical Treatment**

A. Procedure for investigation of serious medical neglect:

1. When Intake receives a referral for serious medical neglect, the Intake worker determines if the medical situation is an emergency requiring immediate action and assigns priority accordingly. The worker should determine from a health care provider if death or significant permanent physical or mental damage is the likely outcome of refusal to follow treatment.
2. The CPS worker will contact the treating medical doctor, verify the referral information, explain the investigation and court process, verify the parents' refusal to obtain treatment, and establish self as the contact for the doctor. They will also verify that treatment of the child's condition will not be seriously jeopardized while awaiting a court hearing, and they will request immediate notification in the event the child's situation deteriorates.
3. The CPS worker will meet with the parents, attempt to negotiate voluntary compliance with medical treatment pending or in lieu of court involvement, and assess and document the parents' reasons for refusal to treat.
4. The CPS worker will initiate court action by contacting the Attorney General when parents fail to voluntarily comply and medical treatment is necessary.
5. In cases where the consequence of the parents' failure to follow treatment may be death or significant permanent physical or mental damage, the worker will take steps to initiate emergency court proceedings by contacting an Attorney General immediately and will not attempt to resolve the situation through voluntary services alone.
6. The CPS worker will attend all court proceedings related to court orders for medical treatment and will implement any court orders giving Child

- 
- 1356 and Family Services responsibility to ensure the child receives necessary  
1357 medical care until such time as the case is transferred to an in-home  
1358 worker or closed.
- 1359 7. The in-home worker, upon receiving the case, will hold a transfer staffing  
1360 with the CPS worker and will also staff the case with the medical doctor  
1361 and Attorney General.  
1362
- 1363 B. Criteria for court-ordered medical treatment of a minor:
- 1364 1. The outcome of failure to treat is death, permanent loss of a body function,  
1365 or significant physical or mental impairment.
- 1366 2. The parent or guardian has been fully informed of the probable  
1367 consequences if the condition is left untreated, the alternative treatments  
1368 available, the consequences of each treatment, the risks of each treatment,  
1369 and the probability of each alternative outcome.
- 1370 3. In non-emergent situations, the parent or guardian has been given the  
1371 opportunity to obtain a second opinion.
- 1372 4. The treatment is well established and well accepted by the medical  
1373 profession.
- 1374 5. A reasonable parent or guardian would not refuse treatment for the child  
1375 yet treatment is refused.
- 1376 6. Delay in treatment increases the probability of harm.
- 1377 7. The probability that the treatment will be successful and that it will  
1378 provide the child a good quality of life outweigh possible negative  
1379 consequences and side effects.
- 1380 8. No alternative treatment will meet the child's medical needs.  
1381

### 1382 **Triage Procedures for Medical Care**

- 1383 A. Always call 911 in an emergency.
- 1384 1. When there is a question, please consult with a health care provider or  
1385 Primary Children's Medical Center (PCMC).
- 1386 2. If the following are present, a health care provider should see the child as  
1387 soon as possible:
- 1388 a. Any child who appears acutely ill;
- 1389 b. Suicidal ideation and/or threat with lethal plan and with or  
1390 without means;
- 1391 c. Need for forensic evidence collection for rape kit (sexual contact  
1392 within 72 hours);
- 1393 d. Acute vaginal or rectal bleeding, vaginal or rectal pain, and/or  
1394 genital or anal trauma (includes blood found on diaper or  
1395 underwear);

- 
- 1396 e. If a drug facilitated rape is suspected, within 96 hours of  
1397 "drugging" the collection of blood and urine specimens should be  
1398 considered.
- 1399 f. Fever above 100.4 degrees in an infant less than three months of  
1400 age;
- 1401 g. Fever accompanied with seizures or other concerning behavior if  
1402 over three months;
- 1403 h. Infant with bruising suggestive of fractures;
- 1404 i. Difficulty walking or moving normally;
- 1405 j. Child appears severely neglected, malnourished, deprived of food,  
1406 or dehydrated;
- 1407 k. Vaginal or penile discharge and the possibility of sexually  
1408 transmitted disease or a history suggestive for sexually transmitted  
1409 disease(s) (vaginal or penile discharge may not cause any  
1410 symptoms but may be noticed by a caregiver on the diaper or  
1411 underwear; other concerns for sexually transmitted disease include  
1412 any history of genital ulcers or blisters, or any unusual rash in the  
1413 genital area);
- 1414 l. Severe dental conditions and/or complaints of pain;
- 1415 m. Exposure to environmental toxins, with a need to collect urine and  
1416 hair specimens for forensic purposes (e.g. Methamphetamine lab).
- 1417 3. Photo documentation:
- 1418 a. Medical attention takes priority;
- 1419 b. Take photos for forensic use after medical attention has been  
1420 initiated;
- 1421 c. Photos may be taken by:
- 1422 i. Law enforcement;
- 1423 ii. Medical facility;
- 1424 iii. Child and Family Services.
- 1425
- 1426 B. Non-urgent care:
- 1427 1. Non-urgent medical attention:
- 1428 a. Well-child examination (five days following removal);
- 1429 b. Possible failure to thrive without medical compromise;
- 1430 c. Rash, not associated with fever or an allergic reaction;
- 1431 d. Skeletal survey needed to determine fractures (only in children  
1432 below the age of three years as medically indicated);
- 1433 e. Medical neglect not involving serious medical conditions (requires  
1434 medical examination 30 days before or after disposition of referral).

- 1435            2.       Exams conducted in a non-emergency room setting can reduce the anxiety  
1436                        surrounding sexual abuse investigations.  
1437

## 202.9 On-Call Intake And CPS (Non-Business Hours)

### Major objectives:

Child and Family Services is required to provide a response to reports of child abuse, neglect, or dependency 24 hours a day, seven days a week. To ensure the appropriate response, CPS on-call is assigned to qualified Child and Family Services child welfare staff to obtain information from the referent, fulfill all responsibilities as outlined in major objectives for Intake, and, as necessary, respond within appropriate time frames to priority 1, 1R and 2 cases. All time requirements are applicable to on-call responses. [See: Major objectives [202.4](#).]

### **Summary of the Law**

No governing statute.

### Procedures

The on-call or CPS worker assigned to the case shall complete the following:

- A. Obtain information from the referent and determine the disposition of the referral (i.e., information only contact, additional information, accepted, unaccepted).
- B. Complete the Intake Checklist on priority 1, 1R, and 2 referrals.
- C. A case involving an alleged victim residing in a domestic violence shelter with a non-offending caretaker should not automatically be assumed to be a priority 3. The case should be screened based on risk and safety factors for the child.
- D. Ensure face-to-face contact with the child within priority time frames.
- E. Conduct a personal interview with or observation of the child, as appropriate.
- F. Ensure that the alleged victim is offered a support person. Ensure the child's support person meets the specified criteria for a support person and, if requested, is notified and available for the personal interview with the child.
- G. Ensure that the parent/guardian receives notification of the investigation and the interview with the child. [See: Major objectives [203.1](#).]

- 
- 1477 H. If an investigative interview takes place with a child who is five years of age and  
1478 older, who is able to communicate, and after the child is taken into protective  
1479 custody, all investigative interviews shall be audio and/or videotaped prior to  
1480 the adjudication hearing. [See: Utah Code Ann. [§62A-4a-202.3\(6\).](#)]  
1481
- 1482 I. A child under the age of five years shall be personally interviewed by the CPS  
1483 worker if the child is verbal and has the ability to provide information relevant to  
1484 risk, safety, and immediate protection needs (a child who is non-verbal shall be  
1485 observed and assessed).  
1486
- 1487 J. Determine the immediate protection, risk, or safety needs of the alleged victims.  
1488
- 1489 K. Assess risk, protection, or safety needs for any child/sibling at risk.  
1490
- 1491 L. Complete staffings per major objectives. [See: Major objectives [204.2.](#)]  
1492
- 1493 M. Complete all actions to ensure safety and protection for alleged victims and  
1494 siblings, as appropriate.  
1495
- 1496 N. Assist the family in identifying strengths and capacity to protect the child in  
1497 developing and implementing a safety agreement for the child, as appropriate.  
1498
- 1499 O. Ensure that medical and/or mental health evaluations are completed when  
1500 appropriate as required by statute and major objectives for physical injury,  
1501 severe physical abuse, medical neglect, or recent sexual abuse. [See: Major  
1502 objectives [202.8.](#)]  
1503
- 1504 P. Ensure that the shelter care provider has all relevant medical, social, mental  
1505 health, and educational information on the child within 24 hours.  
1506
- 1507 Q. Complete required documentation in SAFE for Intake and CPS.  
1508
- 1509 R. Complete removal paperwork, as appropriate.  
1510
- 1511 S. Deliver removal paperwork to the parent/guardian.  
1512
- 1513 T. Complete a personal 48-hour shelter visit.  
1514
- 1515 U. Deliver all information to CPS Intake no later than 9:00 a.m. of the following  
1516 business day.

- 1517  
1518 V. Attend the 24-hour multidisciplinary team consultation.  
1519  
1520 W. Attend the Shelter Care Hearing.  
1521  
1522 X. Attend all other court hearings, as notified by the Attorney General's Office.  
1523

## **203 Engagement Begins: Initial Interviews And Home Visits**

### **203.1 Interviews**

#### Major objectives:

The CPS worker shall utilize interviews as part of the investigation.

### **Summary of the Law**

#### **62A-4a-202.3. Investigation -- Substantiation of reports -- Child in protective custody.**

....(b) with regard to a child who is five years of age or older, a personal interview with the child outside of the presence of the alleged perpetrator, conducted in accordance with the requirements of Subsection (7);

(c) an interview with the child's natural parents or other guardian, unless their whereabouts are unknown;

(d) an interview with the person who reported the abuse, unless anonymous;

(e) where possible and appropriate, interviews with other third parties who have had direct contact with the child, including school personnel and the child's health care provider;

#### Procedures

Any interview of a child prior to removal of that child from his or her home shall follow the statutory requirements indicated below:

A. Referent: The CPS worker shall interview the referent if available to obtain and clarify information. The interview may not be necessary if the report came from law enforcement. The interview may be conducted by telephone. [See: Utah Code Ann. [§62A-4a-409\(11\)\(b\).](#)]

B. Child: Any child identified as an alleged victim having the ability to communicate verbally or through another reliable means (i.e., communication board, American Sign Language, writing, etc.) shall be interviewed. If the child requires a translator for the interview, the CPS worker shall make reasonable efforts to have one available. An infant or child who is non-verbal shall be observed and assessed. A CPS worker shall not conduct an interview with a child by telephonic means (i.e., e-mail, telephone, etc.). The CPS worker may request a courtesy worker to conduct a personal interview or to observe the child if the worker would have to travel an unreasonable distance to see the child.

C. Parent notification of child interview:

1. If a child's parent, stepparent, or parent's paramour has been identified as the alleged perpetrator, the CPS worker need not notify a parent prior to the initial interview with the child.
2. If the alleged perpetrator is unknown or if the alleged perpetrator's relationship to the child's family is unknown, the CPS worker may conduct a minimal interview with the child prior to notification of the interview to the child's parent. Notification may take the form of a phone call documented in activity records, and does not mean permission approval. If the initial disclosure made by the child implicates a parent, stepparent, or parent's paramour, the interview is not limited in duration. If criminal activity is disclosed, the CPS worker shall coordinate with law enforcement prior to notification of the parents so as not to impede the criminal investigation. [See: Utah Code Ann. [§62A-4a-409\(9\)\(c\)](#).]
3. In cases identified in subparagraphs 1 and 2 above, the CPS worker shall notify the parent as soon as practicable after the child has been interviewed, but in no case later than 24 hours after the interview has taken place.

D. Support person:

1. The CPS worker shall, in language and concepts the child can understand, inform the child of their right to have a support person present during the interview.
  - a. The CPS worker shall ensure that reasonable efforts are made to arrange for the child's choice of a support person to be present for the interview; the support person shall be an adult over the age of 18 years and shall be reasonably available; the support person may include (but is not limited to):
    - i. School teacher or administrator;
    - ii. Guidance counselor;
    - iii. Child care provider.
  - b. The support person may not be a person who is alleged to be, or potentially may be, the alleged perpetrator; the interview shall take place outside the presence of the alleged perpetrator.
  - c. The CPS worker shall provide a confidentiality statement for the support person to sign; this document shall be maintained in the CPS record.

- 
- 1602 E. Disclosure of criminal activity: If the disclosure made by the child gives  
1603 reasonable cause to believe that the child has been the alleged victim of criminal  
1604 activity, the CPS worker shall immediately contact law enforcement.  
1605
- 1606 F. Interview exceptions: The CPS worker may rely on a written report of a prior  
1607 interview rather than conducting an additional interview, if:  
1608 1. Law enforcement has previously conducted a timely and thorough  
1609 investigation regarding the alleged abuse, neglect, or dependency and has  
1610 produced a written report. When law enforcement requests that CPS  
1611 conduct no interview, the CPS worker may review the case with a  
1612 supervisor and the Attorney General's Office for evaluation and  
1613 determination of the next step.  
1614 2. The investigation included one or more of the interviews required by  
1615 subsection (2) of Utah Code Ann. [§62A-4a-202.3](#).  
1616 3. It is determined that an additional interview is not in the best interest of  
1617 the child.  
1618
- 1619 G. Parent/guardian:  
1620 1. The child's natural parents or other guardian shall be personally  
1621 interviewed regardless of residence, unless their whereabouts are  
1622 unknown. [See: Utah Code Ann. [§62A-4a-202.3\(2\)\(c\)](#).] If the child's  
1623 natural parents or other guardian are incarcerated at the time of the  
1624 investigation, they do not need to be personally interviewed.  
1625 2. Each specific allegation shall be discussed. Admissions or denials shall be  
1626 documented in the activity recording.  
1627 3. The parents shall be asked about the child's eligibility for or membership  
1628 in a Native American tribe.  
1629 4. When the alleged perpetrator resides in the home of the child or has  
1630 access to the child and when law enforcement has requested that the CPS  
1631 worker not conduct an interview regarding the allegations, the alleged  
1632 perpetrator shall not be interviewed by the CPS worker until the interview  
1633 is cleared by law enforcement.  
1634
- 1635 H. Third party/collateral contacts:  
1636 1. Unless impossible or inappropriate, third party/collateral contacts having  
1637 had direct association with the child, or who are otherwise knowledgeable  
1638 about the case, shall be interviewed.  
1639 2. If a third party or collateral contact is identified as an eyewitness or has  
1640 first-hand knowledge of the alleged abuse, neglect, or dependency, an  
1641 interview shall be conducted.

I. Alleged perpetrator:

1. The alleged perpetrator shall be interviewed by the CPS worker.
2. The CPS worker shall not be obligated to conduct an interview when:
  - a. Law enforcement requests the CPS worker not conduct an interview due to a pending criminal investigation in these cases. CPS shall communicate with law enforcement the need to have law enforcement interview within CPS investigation time frames.
  - b. The alleged perpetrator's identity or location is unknown.
  - c. The safety of the child or the CPS worker is a concern, or in domestic violence cases when the safety of the non-offending parent is a concern, as determined by the reasonable request of the non-offending parent.
  - d. The alleged perpetrator is incarcerated during the course of the CPS investigation.
  - e. The alleged perpetrator of sexual abuse and/or serious physical harm is a juvenile and the case finding is supported:
    - i. The juvenile perpetrator shall be interviewed and their parent or guardian interviewed for the purpose of completing the significant risk assessment procedure;
    - ii. The CPS worker shall not be obligated to conduct an interview with the juvenile perpetrator or their family when law enforcement conducts these interviews and provides CPS with enough information to complete the significant risk assessment procedure;
    - iii. At the conclusion of the investigation, assess the past victimization of the juvenile perpetrator and refer for appropriate treatment.

## 203.2      **Unscheduled Home Visits**

### Major objectives:

The CPS worker shall make an unscheduled home visit to observe the conditions and circumstances of the child's home and to determine the child's need for protection. They shall also assess factors for risk, health, safety, and well-being and identify resources.

## **Summary of the Law**

### **62A-4a-202.3. Investigation -- Substantiation of reports -- Child in protective custody.**

(f) an unscheduled visit to the child's home, unless the division has reasonable cause to believe that the reported abuse was committed by a person who does not:

(i) live in the child's home; or

(ii) have access to the child; and

(g) if appropriate and indicated in any case alleging physical injury, sexual abuse, or failure to meet the child's medical needs, a medical examination. That examination shall be obtained no later than 24 hours after the child was placed in protective custody.

### Procedures

An unscheduled home visit shall consist of the following:

- A. The visit may take place anytime during the course of the investigation.
- B. If the CPS worker makes an unscheduled visit but does not locate anyone home, the CPS worker shall continue to return at times when families are normally found to be at home.
- C. If the CPS worker has made the efforts described in paragraph B above at least once and is unsuccessful, the CPS worker may leave a business card or other written information at the time of the second visit that requests the parent or guardian to contact the CPS worker.
- D. The CPS worker may request to observe, in the company of the parent/guardian, areas of the residence where the child has access or sleeps, plays, and spends time. The CPS worker shall discuss any conditions observed that impact the health or safety of the child.
- E. It is not required for the CPS worker to observe the contents of the following:

1. Cupboards and drawers.
2. Refrigerator and/or freezer.
3. Areas of the home usually closed to the view of visitors, unless the allegations give specific need to ensure availability of food and/or clothing, or to ensure that conditions do not pose safety or health risks to the child.

(The CPS worker shall obtain the parents' consent prior to looking in the areas mentioned above.)

F. The CPS worker shall document the observations made as to the conditions of the home and of any health and/or safety issues identified.

G. If the CPS worker has concerns about the caregiver's ability to care for an infant in the home, the CPS worker shall ask the caregiver to demonstrate how they pick up the child, feed the child, and change the child's diaper. If the caregiver refuses, the CPS worker shall document the request and the refusal.

If Child and Family Services has reason to believe that the reported abuse was committed by a person who does not live in the child's home and the alleged perpetrator does not live in the home or does not have access to the child, then an unscheduled home visit is not required.

If access to the home or the child is denied, and if there is credible evidence of conditions that must be investigated, or if there is a risk of flight, Child and Family Services should screen the case with the Attorney General's Office to obtain a search warrant.

### 203.3 Entry Into The Child's Home

Major objectives:

CPS workers have authority to enter upon public or private premises, using appropriate legal processes, to investigate reports of alleged child abuse, neglect, or dependency.

### Summary of the Law

#### 62A-4a-409

8) Division workers or other child protection team members have authority to enter upon public or private premises, using appropriate legal processes, to investigate reports of alleged child abuse or neglect.

#### Procedures

A. The CPS worker may enter the residence under the following circumstances:

1. When invited by the parent or guardian.
2. If the parent or guardian is not at home: The CPS worker may enter the home if invited by a child or temporary caregiver to assess immediate safety and risk factors by asking for basic information about the whereabouts of the parent or guardian, appropriateness of arrangements for care of children, etc. A child or temporary caregiver does not normally have authority to consent to a search or examination of the home.

B. If the CPS worker is denied entry into the home and entry into the home is necessary to ensure the safety of a child, the worker may:

1. In an emergency summon law enforcement to the home.
2. Consult with an Assistant Attorney General about options to gain entry into the home or access to a child.

## **204 The Investigation: Assessment And Making Informed Decisions**

The purpose of assessment is to assist the CPS worker during the investigation to determine the immediate protection, safety needs, risks, and services needed by the child and family. The CPS worker shall consider the long-term view in making these decisions and providing all parties with due process of the law.

### **204.1 Assessments And Investigation Tools**

#### Major objectives:

- A. The following assessment tools shall be used by the CPS worker to determine protection, safety, and other general risk factors:
  1. Immediate Protection Safety Assessment.
  2. Risk Assessment.
- B. In cases involving alleged juvenile perpetrators, the following assessment tools may be used:
  1. Significant Risk Assessment.
    - a. Sexual Abuse;
    - b. Sexual Exploitation;
    - c. Lewdness;
    - d. Inappropriate Sexual Conduct.
  2. Serious Physical Abuse Assessment.

### **Summary of the Law**

#### **62A-4a-409. Investigation by division -- Temporary protective custody -- Preremoval interviews of children.**

(1) The division shall make a thorough pre-removal investigation upon receiving either an oral or written report of alleged abuse, neglect, fetal alcohol syndrome, or fetal drug dependency, when there is reasonable cause to suspect a situation of abuse, neglect, fetal alcohol syndrome, or fetal drug dependency. The primary purpose of that investigation shall be protection of the child.

#### Procedures

- A. Immediate Protection Safety Assessment (IPSA): The CPS worker shall complete this assessment tool on every case in a timely manner following face-to-face contact.

- 
- B. Risk Assessment:
1. The approved risk assessment instrument shall be used throughout the investigation and completed at the conclusion of the investigation to assist in determining the risks to the child.
  2. The finding of the risk assessment shall be used in formulating an ongoing service plan for substantiated cases or cases determined to need other child welfare services beyond CPS.
  3. Each allegation identified at Intake and any discovered during the investigation shall be assessed for each alleged victim.
- C. Significant Risk Assessment: When there is a supported finding of sexual abuse, sexual exploitation, lewdness, or inappropriate sexual conduct involving a juvenile perpetrator, the CPS worker shall complete the Significant Risk Assessment to determine whether a juvenile is a significant risk to other children or the community.
1. The assessment is not to be used to determine whether the investigation is supported or unsupported; a juvenile does not need to be found a significant risk in order for the case finding to be supported.
  2. The assessment must be based upon the facts of the case that are present during the investigation, not after the minor has been removed from the home or any other intervention that has occurred.
  3. The juvenile's age alone is not a reason for determining the juvenile is not a significant risk.
- D. Serious Physical Abuse Assessment: When there is a supported finding of serious physical abuse involving a juvenile perpetrator, the CPS worker shall complete the Serious Physical Abuse Assessment to determine whether a juvenile is a significant risk to other children or the community.
- E. When an administrative hearing is requested on a supported case or a case that was substantiated prior to May 6, 2002 involving a juvenile perpetrator or an adult who was a juvenile at the time of the incident, and the Significant Risk Assessment or the Serious Physical Abuse Assessment was not completed, Child and Family Services shall be responsible to complete the appropriate assessment based on the facts at the time of the investigation.

## 204.2 Case Staffings

### Major objectives:

The CPS worker shall obtain direction and support to identify needed interventions, services and resources for the child and family and for assistance in making casework decisions.

### **Summary of the Law**

No governing statute.

### Procedures

- A. The CPS worker shall staff with a Child and Family Services supervisor in addition to or in conjunction with other professionals, as identified, when any of the following apply:
1. Upon completion of the Immediate Protection Safety Assessment when one high risk or safety/harm indicator or a combination of three or more risk or safety/harm indicators are present.
  2. Unless it would jeopardize the safety of a child, the Child and Family Services worker shall staff with a Child and Family Services supervisor and Assistant Attorney General prior to removal.
  3. If the child, family, or alleged perpetrator is receiving services from Child and Family Services, the case staffing shall include the assigned Child and Family Services in-home, out-of-home, or domestic violence worker.
  4. If the family receives assistance in the form of TANF, the case staffing may include the Department of Workforce Services employment counselor or self-sufficiency worker.
  5. When there is an allegation of domestic violence or when domestic violence may be a risk factor, the case staffing shall include a Child and Family Services domestic violence worker. Based on safety issues and following a staffing with the Child and Family Services supervisor and Child and Family Services domestic violence worker, the CPS worker may make an exception to CPS major objectives when it is determined to be a safety concern (such as unscheduled home visits, face-to-face contact with the child, etc.). Supervisor approval and documentation is required.
  6. When the child is identified as Native American and the case may be screened for court involvement, the CPS worker shall review the case with the Child and Family Services supervisor and the Indian Child Welfare state specialist.

7. When there is a fatality or near fatality that is the result of non-accidental trauma or the manner of death is undetermined by law enforcement or medical professionals and there are surviving siblings, the case shall be staffed jointly with a Child and Family Services supervisor, region director, and an Assistant Attorney General within 24 hours of first knowledge of the incident. This review does not change the priority time frame of the investigation.
8. When there is a need to coordinate the efforts of several investigators, agencies, or others toward the common goal of protection of the child.
9. When there is a supported finding of chronic/severe physical, sexual or emotional abuse, or chronic/severe neglect or medical neglect resulting in death, disability, or serious illness the CPS worker shall staff with a Child and Family Services supervisor and an Assistant Attorney General.
10. When there has been a prior adjudicated finding of child abuse, neglect, or dependency relevant to new supported findings of abuse, neglect, or dependency, the CPS worker shall staff with a Child and Family Services supervisor and an Assistant Attorney General.
11. When there is a supported finding of drug production or manufacturing, the CPS worker may staff with a Child and Family Services supervisor, law enforcement, and an Assistant Attorney General.
12. When there are siblings in the same home where a removal is considered, the CPS worker shall staff with a Child and Family Services supervisor and an Assistant Attorney General.
13. When newborn infants having been tested with positive findings for drugs or alcohol or where there was pre-natal exposure verified by a licensed health care provider, the CPS worker shall staff with a Child and Family Services supervisor and Assistant Attorney General.
14. When the referral is supported and the family refuses to accept services necessary to ensure the well-being of the child, the CPS worker shall staff with a Child and Family Services supervisor and Assistant Attorney General.
15. When the worker needs legal advice concerning the sufficiency of the evidence to make a supported finding or to pursue a substantiated finding, the CPS worker shall staff with a Child and Family Services supervisor and Assistant Attorney General. [See: Utah Code Ann. [§62A-4a-202.1](#).]

### 204.3 Sibling Or Child At Risk

#### Major objectives:

The CPS worker shall assess the safety of siblings/children who may be at risk when a child in the same home has been a victim of abuse, neglect, or dependency. A child living in or visiting the same household may not be removed from their home unless the child living in the same household has also been determined to be at "substantial risk" of being physically or sexually abused or neglected. Assessment and documentation must be specific for each child. Siblings/children may be at risk when the alleged perpetrator is a parent or a member of the parent's household.

#### **Summary of the Law**

##### **78-3a-301. Court-ordered protective custody of a minor following petition filing -- Grounds.**

(1) After a petition has been filed under Subsection 78-3a-305(1), if the minor who is the subject of the petition is not in the protective custody of the division, a court may order that the minor be removed from the minor's home or otherwise taken into protective custody if the court finds, by a preponderance of the evidence, that any one or more of the following circumstances exist:

(2)

(a) there is an imminent danger to the physical health or safety of the minor and the minor's physical health or safety may not be protected without removing the minor from the custody of the minor's parent or guardian. If a minor has previously been adjudicated as abused, neglected, or dependent, and a subsequent incident of abuse, neglect, or dependency has occurred involving the same alleged abuser or under similar circumstance as the previous abuse, that fact constitutes prima facie evidence that the minor cannot safely remain in the custody of the minor's parent;

(b) a parent or guardian engages in or threatens the minor with unreasonable conduct that causes the minor to suffer emotional damage and there are no reasonable means available by which the minor's emotional health may be protected without removing the minor from the custody of the minor's parent or guardian;

(c) (i) the minor or another minor residing in the same household has been physically or sexually abused, or is deemed to be at substantial risk of being physically or sexually abused, by a parent or guardian, a member of the parent's or guardian's household, or other person known to the parent or guardian.

(ii) For purposes of this Subsection (1)(c), another minor residing in the same household may not be removed from the home unless that minor is considered to be at substantial risk of being physically or sexually abused as described in Subsection (1)(c)(i) or (iii).

1959

1960 Procedures

- 1961 A. In cases where the mother is pregnant and delivers the newborn and the  
1962 newborn's siblings are in custody, or have been determined to be abused,  
1963 neglected, or dependent, the CPS worker shall complete all of the identified  
1964 activities to assess the need for protection, safety, and services for that child.  
1965
- 1966 B. The CPS worker shall complete the following with each sibling or child to  
1967 determine if the sibling or child requires immediate protection or services:  
1968 1. Assess risk and safety in a timely manner.  
1969 2. Conduct a face-to-face interview with each child having verbal or other  
1970 communication skills or observe non-verbal children.  
1971 3. Complete an Immediate Protection Safety Assessment taking each child  
1972 into consideration.  
1973 4. A safety agreement may be completed with the assistance of the parents  
1974 or guardians.  
1975 5. If law enforcement objects to a Child and Family Services investigation  
1976 (for example, in a child fatality investigation), the CPS worker shall review  
1977 the case with the Attorney General's Office to determine legal options to  
1978 ensure the safety of other siblings.  
1979

## 204.4 Coordination With Law Enforcement

### Major objectives:

Child and Family Services shall coordinate with law enforcement to protect children and families when abuse, neglect, or dependency is alleged. This coordination will also serve to protect CPS workers and keep the peace throughout the investigation.

### **Summary of the Law**

#### **62A-4a-409**

(11) With regard to cases in which law enforcement has or is conducting an investigation of alleged abuse or neglect of a child:

(a) the division shall coordinate with law enforcement to ensure that there is an adequate safety plan to protect the child from further abuse or neglect; and

(b) the division is not required to duplicate an aspect of the investigation that, in the division's determination, has been satisfactorily completed by law enforcement.

### Procedures

The CPS worker shall coordinate with law enforcement in the following ways:

- A. Notification: If, during the course of the investigation, the CPS worker becomes aware of criminal activity, law enforcement shall be notified.
- B. Child placed into protective custody: When a child is to be taken into protective custody, the CPS worker shall be accompanied by law enforcement if a peace officer is reasonably available.
- C. Entry into the child's home: If the CPS worker is denied entry into the child's home by the parent or caregiver, a request shall be made to law enforcement to accompany the CPS worker to the home in an attempt to gain entry. Should the parent continue to deny entry, the CPS worker shall coordinate efforts with law enforcement and the Attorney General's Office to secure a search warrant. Neither law enforcement officers nor CPS workers can enter a home without a search warrant issued by a court unless there is an emergency requiring entry without a warrant entry be made. [See: Major objectives [203.3.](#)]

## 204.5 Domestic Violence Related Child Abuse

### Major objectives:

Child and Family Services has responsibility to provide services to those involved in domestic violence, including non-offending adults with children. CPS workers shall take actions to protect the alleged victim(s) of domestic violence related child abuse. CPS workers will respect and support the role of the non-offending caregiver to protect themselves and the child who witnessed domestic violence between the caregiver and abuser.

All cases involving domestic violence related child abuse shall be reviewed with a Child and Family Services domestic violence worker. When the involved region does not have a Child and Family Services domestic violence worker, the region shall designate a community domestic violence professional as the point person for cases involving domestic violence.

The domestic violence related safety plans for the non-offending adult/caregiver as well as the child are protected records under Utah Code Ann. §63-2-304 and shall not be released when CPS records are requested because such release may pose a danger to the child and/or non-offending caregiver.

### **Summary of the Law**

#### **62A-4a-105**

(17) provide domestic violence services in accordance with the requirements of federal law, and establish standards for all direct or contract providers of domestic violence services. Within appropriations from the Legislature, the division shall provide or contract for a variety of domestic violence services and treatment methods;

### Procedures

Upon the identification of domestic violence related child abuse, the CPS worker or Child and Family Services domestic violence worker shall:

- A. Identify and document in the case record an appropriate course of action to be taken with the family by:
  1. Assisting the non-offending adult/caregiver in completing assessment tools.
  2. Assist the child in completing a safety plan.
  3. Compile an inventory of resources available to the non-offending adult/caregiver and the children (such as information about protective orders, shelters, crisis respite, counseling or support groups, etc.).

- 
- 2056 4. Explain to each caregiver that:
- 2057 a. Immediate and long-range harm may result from exposing children
- 2058 to domestic violence;
- 2059 b. A person is criminally liable for committing domestic abuse in the
- 2060 presence of children;
- 2061 c. Partner abuse in the presence of a child is "child abuse" according
- 2062 to Utah State Law and Child and Family Services major objectives,
- 2063 and therefore such conduct may result in juvenile court
- 2064 intervention and an abuse record in the Child and Family Services
- 2065 database.
- 2066
- 2067 B. When a removal is required (which may include situations where the CPS
- 2068 worker requests the parent and child go to a domestic violence shelter), the CPS
- 2069 or domestic violence worker shall screen the case with the Assistant Attorney
- 2070 General and a Child and Family Services domestic violence worker. At the
- 2071 shelter hearing, the CPS or domestic violence worker may request:
- 2072 1. Child and Family Services custody of the child.
- 2073 2. The children remain home with the non-offending caregiver as a trial
- 2074 home placement.
- 2075 3. The non-offending caregiver works with Child and Family Services to
- 2076 develop a service plan that protects themselves and the children.
- 2077 4. A protective order may be granted on behalf of the children, brought by
- 2078 Child and Family Services, to protect the children from the abusive party.
- 2079
- 2080 C. If the non-offending caregiver has obtained a protective order, the CPS worker
- 2081 shall:
- 2082 1. Notify the Assistant Attorney General of the protective order and request
- 2083 a bifurcated hearing in juvenile court.
- 2084 2. Not conduct conjoint mediation, child and family team meetings,
- 2085 treatment planning, service planning, safety planning, or assessments
- 2086 between the protected party and the abuser.
- 2087
- 2088 D. If the CPS worker has knowledge that the child and non-offending caregiver
- 2089 have relocated to a domestic violence shelter, the CPS worker shall explain to the
- 2090 non-offending caregiver and the shelter staff that it is the caregiver's and, where
- 2091 appropriate, the shelter's responsibility to immediately contact the CPS worker if
- 2092 they leave the shelter.
- 2093
- 2094 E. When the CPS worker and Child and Family Services domestic violence worker
- 2095 staff a case and agree to make a finding of Failure to Protect against the non-

- 2096           offending caregiver, the CPS worker shall document in the case record the  
2097           reasons for that finding.  
2098
- 2099    F.       Due to the possible significant risk placed on the non-offending parent and child  
2100           when the Notice of Agency Action is sent to the alleged perpetrator, the CPS  
2101           worker will:  
2102           1.       Notify the non-offending caregiver that the letter will be sent and review  
2103                      safety measures.  
2104           2.       Document this notification in the case record.  
2105
- 2106    G.       Based on safety issues and following a staffing with the Child and Family  
2107           Services supervisor and Child and Family Services domestic violence worker, the  
2108           CPS worker may make an exception to CPS major objectives when it is  
2109           determined to be a safety concern (such as unscheduled home visits, face-to-face  
2110           contact with the child, etc.). Supervisor approval and documentation is required.  
2111

## 204.6 False Allegations Of Child Abuse Or Neglect

### Major objectives:

If Child and Family Services determines that an individual has knowingly submitted a false report of child abuse or neglect, the CPS worker shall consult with law enforcement.

## Summary of the Law

### 62A-4a-116.3

(5) The division shall determine, in consultation with law enforcement:

(a) what information should be given to an alleged perpetrator relating to a false report; and

(b) whether good cause exists, as defined by the division by rule, for not informing an alleged perpetrator about a false report.

(6) Nothing in this section may be construed as requiring the division to conduct an investigation beyond what is described in Subsection (1), to determine whether or not a report is false.

### Procedures

A. At the conclusion of a CPS investigation, the CPS worker shall determine (after consultation with the Attorney General's Office, if needed):

1. Whether the referent's allegation of child abuse or neglect was false.
2. Whether it is more likely than not that the referent knew, at the time of making the allegation, that the allegation was false.
3. Whether the referent has knowingly made a prior false allegation about the same alleged victim or alleged perpetrator.
4. Whether the referent's address is known or reasonably available.

B. If the CPS worker finds that the referent probably knew, at the time of making the allegation, that the allegation was false, and that the referent has knowingly made a prior false allegation about the same alleged victim or alleged perpetrator, the CPS worker shall:

1. Inform and consult with law enforcement regarding the false allegations made by the referent and determine whether informing the alleged perpetrator about the false allegations is likely to jeopardize law enforcement efforts or the health or safety of any individual.
2. Inform the alleged perpetrator about the false allegations made by the referent, to the extent that such disclosure does not unreasonably jeopardize law enforcement efforts or the health and safety of individuals.

- 2152  
2153 C. If the CPS worker finds that the referent probably knew, at the time of making  
2154 the allegation, that the allegation was false, and if the referent's address is  
2155 available, the CPS worker shall send the referent a certified letter that informs the  
2156 referent that:
- 2157 1. The CPS worker has investigated the referent's allegation of abuse or  
2158 neglect and has determined that the allegation was false and that the  
2159 referent probably knew that the allegation was false at the time of making  
2160 the allegation.
  - 2161 2. Utah Code Ann. [§76-8-506](#) and other laws impose criminal and civil  
2162 penalties for knowingly making a false allegation of abuse or neglect.
  - 2163 3. CPS has a statutory obligation to inform law enforcement and the alleged  
2164 perpetrator.  
2165

## 204.7 Child Fatalities And Near Fatalities

### Major objectives:

Upon report of a child fatality, the CPS worker shall notify law enforcement, Child and Family Services administration and DHS administration and take necessary steps to ensure that any other children in the household are safe. Upon report of a near fatality, the CPS worker shall notify the Safe and Healthy Families Team at Primary Children's Medical Center.

### **Summary of the Law**

#### **62A-4a-405. Death of child -- Reporting requirements.**

Any person who has reason to believe that a child has died as a result of child abuse or neglect shall report that fact to the local law enforcement agency, who shall report to the county attorney or district attorney as provided under Section 17-18-1 or 17-18-1.7 and to the appropriate medical examiner in accordance with Title 26, Chapter 4, Utah Medical Examiner Act. The medical examiner shall investigate and report his findings to the police, the appropriate county attorney or district attorney, the attorney general's office, the division, and if the institution making the report is a hospital, to that hospital.

### Procedures

- A. The CPS worker shall immediately notify law enforcement, the Child and Family Services director or designee, and the Fatality Review Coordinator when a client on an open CPS case dies:
  1. All notifications shall occur within 24 hours of first knowledge of a death and may be accomplished through phone calls, e-mail, or written communication and shall be documented in the activity recording.
  2. A Deceased Client/Employee Report form shall be completed by the CPS worker and a notice shall be sent to the Child and Family Services director and Fatality Review Coordinator within three days of knowledge of the fatality.
- B. Upon a report made to Child and Family Services on a child death determined to be a result of child abuse or neglect or when the cause of death is undetermined and wherein there are surviving siblings, the CPS worker shall also immediately notify the region director or designee. Notification may be accomplished through phone calls, e-mail, or written communication and shall be included in the activity recording. The CPS worker shall assess siblings/children at risk.

## **204.8 Extension Granted To A CPS Investigation**

### Major objectives:

If an investigation cannot be completed within 30 days from the disposition of the case to CPS, the CPS worker shall make a request for an extension prior to expiration of the initial 30-day period.

### **Summary of the Law**

No governing statute.

### Procedures

- A. The region director or designee may grant one extension of up to 30 days when there is insufficient information available to make a case finding.
- B. An extension shall not be granted by the region director or designee for overdue documentation.
- C. An additional extension of 30 days may be requested where extenuating circumstances exist.

## **204.9 Unable To Locate Within The State Of Utah**

### Major objectives:

A CPS worker shall not close an investigation solely on the grounds that the child could not be located until reasonable efforts have been made by the caseworker to locate the child and family members.

### **Summary of the Law**

No governing statute.

### Procedures

Reasonable efforts include (but are not limited to):

- A. Visiting the home at times other than normal work hours.
- B. Contacting local schools for contact information.
- C. Contacting local, county, and state law enforcement agencies.
- D. Checking public assistance records.
- E. Checking with the referent.
- F. Searching telephone books.
- G. Searching the Department of Motor Vehicle records.

[See: Utah Code Ann. [§62A-4a-202.3\(8\)](#).]

## 204.10 Case Findings

### Major objectives:

At the conclusion of a CPS investigation, a finding shall be made for each allegation identified at the time of Intake or identified during the investigation. Each alleged victim in the case shall be linked to a specific allegation or allegations and to an alleged perpetrator or alleged perpetrators.

### **Summary of the Law**

No governing statute.

### Procedures

#### A. Acceptable findings include:

1. Supported.
2. Unsupported.
3. Without Merit.
4. Unable to Locate.
5. Child and Family Assessment (in approved pilot region offices).
6. Unable to Complete Investigation.
7. False Report.

#### B. Case findings are determined as follows:

1. A case finding of Supported shall be used when there is reasonable basis to conclude that abuse, neglect, or dependency occurred, even if the alleged perpetrator is unknown.
2. A case finding of Unsupported shall be used when there is insufficient evidence to conclude that abuse, neglect, or dependency occurred.
3. A case finding of Without Merit shall be used when there is evidence that abuse, neglect, or dependency did not occur or that the alleged perpetrator was not responsible.
4. A case finding of Unable to Locate shall be used in the following two situations: a) The CPS worker was unable to complete the face-to-face contact with the alleged victim and b) The CPS worker made all reasonable efforts to locate the child and was unable to do so.
5. A case finding of Family Assessment in approved pilot region offices shall be used when the case is converted from a CPS investigation to a child and family assessment.
6. A case finding of Unable to Complete Investigation shall be made when the child and/or family move outside the state and a request for courtesy

- work is requested and declined and there is insufficient information to make a finding, or when the child and/or family move outside the state after the face-to-face contact is made with the child and there is insufficient information to make a finding because the whereabouts of the child and/or family are unknown, or when the child and/or family move within the state, the face-to-face with the child was made but there is insufficient information to make a finding and the whereabouts of the child and/or family are unknown.
7. A case finding of False Report shall be made when the Child and Family Services worker finds that the report of abuse, neglect, or dependency was made by a referent who "more likely than not knew that the report was false at the time the person submitted the report."
- C. The case finding decision may be based on the child's statements alone; corroborating evidence shall not be required in all cases.
- D. If the case is supported, the following shall be documented in the activity record:
1. The major objectives definition of the supported allegation.
  2. An explanation of how the facts of the case match the major objectives definition of any supported allegation.
- E. The opinion of the alleged victim's primary care physician, a licensed physician or physician's assistant, or nurse practitioner working under the direction of a physician shall be requested in situations outlined in [Section 202.9](#).
- F. If the case is supported, the CPS worker shall provide a certified Notice of Agency Action letter and other relevant forms to the alleged perpetrator within five working days of the case closure.
- G. The CPS worker shall provide a Notice of Agency Action letter to the perpetrator through personal service by a third party not involved in the action (documenting date, time, manner, and location of service) if a supported finding of one of the following exists: sexual abuse, lewdness, sexual exploitation, chronic/severe physical or emotional abuse or chronic/severe neglect or medical neglect resulting in death, disability, or serious illness. [See: Utah Rules of Civil Procedure [Rule 4](#).]
- H. A case finding of Unsupported shall not be made solely because the alleged perpetrator was an alleged out-of-home perpetrator or because the CPS worker

was unable to identify the alleged perpetrator when the evidence shows that abuse, neglect, or dependency occurred.

I. The determination of acceptable findings shall be based on the facts of the case obtained at the time of the investigation.

J. An allegation shall not be considered Unsupported or Without Merit because the family corrected the conditions that caused the abuse, neglect, or dependency while the investigation was pending.

K. The conclusions of the health care professional regarding non-accidental injury, sexual abuse, or medical neglect shall be considered by the CPS worker in making case findings. Child and Family Services and the family may obtain a second opinion. If the family requests a second opinion, they must do so at their own expense.

L. Chronic/severe child abuse or neglect in [Section 204.11\(A\)](#) does not include a person's conduct that:

1. Is justified under Utah Code Ann. [§76-2-401](#) regarding the use of reasonable and necessary physical restraint or force by an educator.
2. Constitutes the use of reasonable and necessary physical restraint or force in self-defense or otherwise appropriate to the circumstances to obtain possession of a weapon or other dangerous object in the possession or under the control of a child or to protect the child or another person from physical injury.

## 204.11 Court Findings

### Major objectives:

If Child and Family Services makes a supported finding of one or more of the chronic or severe types of child abuse or neglect, Child and Family Services shall:

- A. Enter the information into the SAFE system. SAFE will be responsible to report the appropriate information to Licensing, without identifying the person as a perpetrator or alleged perpetrator.
- B. If Child and Family Services makes a decision to seek a court finding of Substantiated, they shall file a petition with the juvenile court regarding the Supported finding of abuse or neglect. If a case is Supported, Child and Family Services shall send a certified Notice of Agency Action to the alleged perpetrator regardless of the decision to file a petition for a court finding of Substantiated. Only those categories of abuse or neglect listed in Section A may be considered for a court finding of Substantiated.

## Summary of the Law

### **78-3a-320. Additional finding at adjudication hearing -- Petition -- Court records.**

(1) Upon the filing with the court of a petition under Section 78-3a-305 by the Division of Child and Family Services or any interested person informing the court, among other things, that the division has made a supported finding of one or more of the severe types of child abuse or neglect described in Subsection 62A-4a-116.1(2), the court shall:

- (a) make a finding of substantiated, unsubstantiated, or without merit;
- (b) include the finding described in Subsection (1)(a) in a written order; and
- (c) deliver a certified copy of the order described in Subsection (1)(b) to the division.

(2) The judicial finding under Subsection (1) shall be made:

- (a) as part of or at the conclusion of the adjudication hearing; or
- (b) as part of a court order entered pursuant to a written stipulation of the parties.

(3) Any person described in Subsection 62A-4a-116.6(1) may at any time, within one year after the notice is sent by the Division of Child and Family Services, file with the court a petition for removal of the person's name from the Licensing Information System. At the conclusion of the hearing on the petition, the court shall:

- (a) make a finding of substantiated, unsubstantiated, or without merit;
- (b) include the finding described in Subsection (1)(a) in a written order; and
- (c) deliver a certified copy of the order described in Subsection (1)(b) to the division.

(4) For the purposes of licensing under Sections 26-21-9.5, 26-39-105.5, 62A-1-118, and 62A-2-121:

(a) the court shall make available records of its findings under Subsections (1) and (2) for licensing purposes, only to those with statutory authority to access also the Licensing Information System created under Section 62A-4a-116.2; and

(b) any appellate court shall make available court records of appeals from juvenile court decisions under Subsections (1), (2), and (3) for licensing purposes, only to those with statutory authority to access also the Licensing Information System.

#### Procedures

A. The types of child abuse or neglect that may require Child and Family Services to seek a petition for a court finding of Substantiated are as follows:

1. Chronic/Severe Physical Abuse;
2. Sexual Abuse;
3. Sexual Exploitation;
4. Abandonment;
5. Medical Neglect resulting in death, disability, or serious illness;
6. Chronic/Severe Neglect; or
7. Chronic/Severe Emotional Abuse.

B. Upon the filing of a petition, the juvenile court will be asked to make a finding of Substantiated, Unsubstantiated, or Without Merit. [See: Utah Code Ann. [§78-3a-320.](#)]

C. Any action taken by the Agency does not preclude further civil or criminal action.

## 204.12 Changing A Finding On A Closed Case

### Major objectives:

A previously closed CPS case can be reopened to allow an amendment to the case finding.

### **Summary of the Law**

No governing statute.

### Procedures

- A. A CPS supervisor can reopen a CPS case to amend the finding and include new information in the activity recording within 60 days of original case closure.
- B. After 60 days from case closure, the region director may approve reopening a closed CPS case to amend the finding and include new information in the activity recording. The request may be based upon obtaining new information relevant to the facts at the time the case was investigated, or when the juvenile court's ruling is not consistent with the original finding.
- C. If an Unsupported finding is amended to Supported, the CPS worker or Child and Family Services supervisor shall:
  1. Document the new information and all consultations held on the case in the activity recording.
  2. Enter the amended finding into SAFE and complete all the requirements for case closure. [See: [Section 204.15.](#)]
- D. If the previous finding is amended from Supported to Unsupported, the CPS worker or Child and Family Services supervisor shall:
  1. Document the new information and consultations held on the case in the activity recording.
  2. Send a letter that outlines or states the newly obtained information for which an amendment of the original case finding is being made.
  3. Ensure that a GRAMA request is provided to the alleged perpetrator.
  4. Enter the amended finding into SAFE.

## 204.13 Documentation Of Investigation

### Major objectives:

The CPS worker shall record details and sequential casework activities and information obtained on an open CPS investigation.

### **Summary of the Law**

No governing statute.

### Procedures

CPS documentation shall include, but is not limited to, the following:

- A. The date, time, place, and type of casework activity being completed. The specific source of information and statements regarding credibility of the source shall be documented.
- B. A complete description of all casework activities and the rationale for conclusions made, which may include the following unless an exception applies and is documented:
  1. Review of information contained in all prior Child and Family Services records.
  2. Unscheduled and scheduled home visits, including documentation of the conditions of the residence and/or the specific areas of the home the CPS worker observed.
  3. Support person offered and the identity of the support person participating, or that the child declined the inclusion of a support person.
  4. Face-to-face contact with the alleged victim within the priority response time frame.
  5. Interviews with the child that include statements made regarding the specific allegations or incidents of abuse, neglect, or dependency; the child's statements as to safety and protection needed; and any other information deemed important to the investigation.
  6. Interview of the alleged perpetrator(s) and any admissions or denials to the allegations.
  7. Interview with the parents or guardian, including statements made about safety planning, ability to protect, etc.
  8. All collateral or third party contacts, including the referent if they have first hand knowledge of the alleged abuse, neglect, or dependency.

- 2503            9.      All case staffings, the identity of persons participating in the staffing, and  
2504                      any decisions made.  
2505            10.     Missed priorities.  
2506            11.     Extensions requested with documentation of the approval for the  
2507                      extension.  
2508            12.     The appropriate closure notification provided to the referent, which  
2509                      includes law enforcement.  
2510            13.     Notice of Agency Action sent or served to the alleged perpetrator that  
2511                      includes the appropriate blank forms for a GRAMA Request and Request  
2512                      for Administrative Hearing.  
2513            14.     The worker shall not refer to the hard copy file except for third party  
2514                      documents and other documents not contained in SAFE.  
2515

## **204.14 Determination Of A CPS Case For Ongoing Services**

### Major objectives:

Every child and family with protection or safety needs, or at continued risk shall be considered for ongoing services through Child and Family Services or community partners. The determination for ongoing services will involve a consultation between the CPS worker, the CPS supervisor or designee, the family (where possible) and the community service provider as needed.

### **Summary of the Law**

#### **62A-4a-105**

...(11) provide noncustodial and in-home preventive services, designed to prevent family breakup, family preservation services, and reunification services to families whose children are in substitute care in accordance with the requirements of this chapter and Title 78, Chapter 3a, Juvenile Court Act of 1996;

(12) provide protective supervision of a family, upon court order, in an effort to eliminate abuse or neglect of a child in that family;

### Procedures

A. When a CPS case is supported, the family will be offered services through Child and Family Services or community partners. If the family refuses services and there is continued risk, the CPS worker shall consult with the CPS supervisor and Assistant Attorney General to determine the need for court ordered intervention. The CPS worker shall document efforts to provide voluntary services and efforts to obtain court ordered services.

B. When a CPS case is Unsupported but there are concerns, services may be offered. Community partners may provide the services.

C. All available resources shall be considered regardless of the case finding.

The Child and Family Services ongoing service worker and CPS worker shall staff the case. Case information shall include the CPS case and family needs, strengths, and resources.

## 204.15 Case Closure

### Major objectives:

A CPS case shall be closed no later than 30 days from disposition of the case by Intake to CPS. [See: [Section 204.8](#), Extension Granted To A CPS Investigation.]

### **Summary of the Law**

No governing statute.

### Procedures

The CPS worker shall complete the following prior to case closure:

- A. Complete activity recording and documentation in SAFE.
- B. Complete all risk and safety assessments.
- C. Ensure that supporting documents such as safety plans and agreements, letters, forms, law enforcement reports, medical reports, etc. are contained in the file.
- D. Determine the case finding and if the case is supported, the following shall be documented in the activity recording:
  1. The major objectives definition of any supported allegation.
  2. An explanation of how the facts of the case match the major objectives definition of any supported allegation.
- E. If the case is supported for sexual abuse, lewdness, sexual exploitation, chronic/severe physical abuse, chronic/severe emotional abuse, chronic/severe neglect or medical neglect resulting in death, disability, or serious illness, staff with an Assistant Attorney General and determine if a petition should be filed in juvenile court to request a substantiated finding.
- F. Provide written or verbal notification of the case closure to the referent, unless anonymous, within five working days of the case closure.
- G. If the case is supported, send or initiate service of the Notice of Agency Action and other relevant forms to the alleged perpetrator within five working days of the case closure.

## **Removals: Safety And Permanency Considerations**

This section provides guidance for CPS workers who must remove a child from their home.

### **205.1 Grounds For Removal/Placement Of A Child Into Protective Custody**

#### Major objectives:

The Child and Family Services caseworker shall obtain a warrant from a court of competent jurisdiction to facilitate the removal and subsequent placement of a child into protective custody, unless there are circumstances that demonstrate a substantial, immediate threat to the health or safety of a child. A Child and Family Services worker may not take a child into protective custody on the basis of mental illness or poverty of the parent or guardian or on the basis alone of educational neglect. A Child and Family Services worker may not take a child into protective custody when motivated solely by intent to seize or obtain evidence unrelated to the potential abuse or neglect allegation.

Before taking a child into protective custody the Child and Family Services CPS worker shall determine whether there are services reasonably available that would eliminate the need to remove the child from the custody of his or her parent. Child and Family Services will make reasonable efforts to provide those services. If in the Child and Family Services CPS worker's opinion a delay in removal would endanger the child, the Child and Family Services CPS worker shall review the reasons for removal and other available options with a supervisor or other personnel designated by the region director and an Assistant Attorney General. [See: [Section 209.1](#) for ICWA procedures].

#### **Summary of the Law**

**62A-4a-202.1. Taking a minor into protective custody without warrant -- Peace officer -- Division of Child and Family Services caseworker -- Consent or specified circumstances -- Shelter care or emergency kinship.**

(1) A state officer, peace officer, or child welfare worker may not, without a warrant or court order issued under Section 78-3a-106, remove a minor from the minor's home or school, or take a minor into protective custody unless:

(a) a parent or guardian consents; or

(b) the officer or worker has, at the time, probable cause to believe that one or more of the following circumstances exist:

- (i) there is imminent danger to the physical health or safety of the minor, and the minor's physical health or safety may not be protected without removing the minor from the custody of the minor's parent or guardian;
- (ii) there is a substantial risk to the minor of being physically or sexually abused by a parent or guardian, a member of the parent's or guardian's household, or another person known to the parent or guardian;
- (iii) the parent or guardian is unwilling to have physical custody of the minor;
- (iv) the minor has been abandoned without any provision for the minor's support;
- (v) a parent who has been incarcerated or institutionalized has not arranged or cannot arrange for safe and appropriate care for the minor;
- (vi) a relative or other adult custodian with whom the parent or guardian has left the minor is unwilling or unable to provide care or support for the minor, the whereabouts of the parent or guardian are unknown, and reasonable efforts to locate the parent or guardian have been unsuccessful; or
- (vii) an infant has been abandoned, as defined in Section 78-3a-313.5.
- (2) A state officer, peace officer, or child welfare worker may not remove a minor from the minor's home or school or take a minor into protective custody under Subsection (1) if motivated solely by an intent to seize or obtain evidence unrelated to the potential abuse or neglect allegation.
- (3) In the absence of circumstances that demonstrate a substantial, immediate threat to the health or safety of a minor, a state officer, peace officer, or child welfare worker may not remove a minor from the minor's home or school or take a minor into protective custody under Subsection (1) on the basis of:
- (a) mental illness or poverty of the parent or guardian; or
- (b) educational neglect.
- (4) A child welfare worker within the division may take action under Subsection (1) accompanied by a peace officer, or without a peace officer when a peace officer is not reasonably available.
- (5) If possible, consistent with the minor's safety and welfare, before taking a minor into protective custody, the worker shall also determine whether there are services reasonably available to the worker which, if provided to the minor's parent or to the minor, would eliminate the need to remove the minor from the custody of the minor's parent or guardian. If those services are reasonably available, they shall be utilized. In determining whether services are reasonably available, and in making reasonable efforts to provide those services, the minor's health, safety, and welfare shall be the worker's paramount concern.
- (6) (a) A minor removed or taken into custody under this section may not be placed or kept in a secure detention facility pending court proceedings unless the minor is detainable based on guidelines promulgated by the Division of Youth Corrections.

(b) A minor removed from the custody of the minor's parent or guardian but who does not require physical restriction shall be given temporary care in:

(i) a shelter facility; or

(ii) an emergency kinship placement in accordance with Section 62A-4a-209.

#### Procedures

The following have authority to place a child into protective custody:

- A. A court of competent jurisdiction issuing a warrant.
- B. A Child and Family Services worker, without a warrant, in accordance with the requirements of Utah Code Ann. [§62A-4a-202.1](#).
- C. A law enforcement/peace officer.
- D. A physician or person in charge of a medical facility may place the child on a medical hold for up to 72 hours.

A child may be removed from the custody of parents or guardians without a warrant from a court of competent jurisdiction and placed into protective custody when a parent or guardian consents, or when one or more of the following circumstances exist:

- A. There is imminent danger to the physical health or safety of the minor, and the health or safety of the minor may not be protected without removing the minor from the custody of the minor's parent or guardian.
- B. There is substantial risk to the minor of being physically or sexually abused by a parent, guardian, or another person known to the parent or guardian.
- C. The parent or guardian is unwilling to have physical custody of the minor.
- D. The minor has been abandoned without provision for the minor's support.
- E. The parent or guardian has been incarcerated or institutionalized and has not arranged or cannot arrange for safe and appropriate care for the child.
- F. A relative or other adult custodian with whom the parent or guardian has left the child is unwilling or unable to provide care or support for the child, and the whereabouts of the parent or guardian are unknown, and reasonable efforts to locate the parent or guardian have been unsuccessful.

- G. An infant has been abandoned, as defined in Utah Code Ann. [§78-3a-313.5](#).

**Warrant Request**

A warrant may be requested by Child and Family Services in the following circumstances [see: Utah Code Ann. [§78-3a-301](#)]:

- A. If a child has previously been adjudicated as abused, neglected, or dependent, and a subsequent incident of abuse, neglect, or dependency has occurred involving the same alleged abuser or under similar circumstance as the previous abuse, that fact constitutes prima facie evidence that the child cannot safely remain in the custody of the child's parent.
- B. A parent or guardian engages in or threatens a child with unreasonable conduct that could be expected to cause the child to suffer emotional damage.
- C. A child/sibling at risk of being abused or neglected because another child in the same home or with the same caregiver has been or is being abused or neglected.
- D. If a parent or guardian has received actual notice that abuse and neglect by a person known to the parent has occurred, and there is evidence that the parent or guardian failed to protect the child by allowing the child to be in the physical presence of the alleged abuser, that fact constitutes prima facie evidence that the child is at substantial risk of being abused or neglected.
- E. The child is in immediate need of urgent medical care.
- F. A parent or guardian's actions, omissions, or habitual action create an environment that poses a threat to the child's health or safety.
- G. A parent or guardian's action in leaving a child unattended would reasonably pose a threat to the child's health or safety.
- H. The parent, guardian, or an adult residing in the same household as the parent or guardian, has been charged or arrested pursuant to the Clandestine Drug Lab Act or any clandestine laboratory operation was located in the residence or on the property where the child resided. If it is determined that the child is at imminent risk, the Child and Family Services worker may remove without a warrant.

2748 I. There is imminent danger to the physical health or safety of the child and the  
2749 child's physical health or safety may not be protected without removing the  
2750 child.

2751  
2752 J. The child's welfare is otherwise endangered.

2753  
2754 A child removed from the custody of the child's parent or guardian may not be placed  
2755 or kept in a secure detention facility pending further court proceedings unless the child  
2756 can be detained based on procedures set forth by the Division of Youth Corrections.

2757  
2758 Child and Family Services workers request a warrant from a court of competent  
2759 jurisdiction through the Assistant Attorney General's Office.

2760

## 205.2 Actions Required Upon Removal Of A Child

### Major objectives:

Upon removal of a child from the custody of their natural or adoptive parent or guardian, the CPS worker shall take diligent steps to:

- A. Notify both parents, if their whereabouts are known (including a putative father and non-custodial parent) and any legal guardian within 24 hours of removal informing them of the reasons for removal and placement into protective custody.
- B. Give the parents/caregivers the following information:
  1. Notice of Removal and a telephone number where the parents may access further information.
  2. Parents' procedural rights.
  3. Notice of Shelter Hearing, which shall be personally served as soon as possible, but no later than one business day after removal of the child from the home. In addition to the parents/caregivers it shall served to the Guardian ad Litem. It shall contain the date, time, and place of the shelter hearing, the name of the child on whose behalf a petition is being brought, and a concise statement regarding the reasons for removal and the allegations.
  4. A Request for Counsel form.
  5. An Affidavit in Support of Request for Appointment of Counsel form.
  6. Information pamphlet entitled, "What Happens when Your Child Is Removed From Your Care."
- C. Make reasonable efforts to obtain information essential to the safety and well-being of the child and give this information to the provider within 24 hours of the child's placement into protective custody.
- D. Audio/videotape investigative interviews initiated by Child and Family Services with children following placement into protective custody and prior to adjudication. [See: Utah Code Ann. [§62A-4a-202.3\(6\)](#).]
- E. A Child and Family Services worker shall visit the child in their placement within 48 hours of placement. The worker will assess the child's adjustment to the placement and their well being.
- F. To offer the parents/guardians a visit with the child within three working days of removal, if appropriate.

## Summary of the Law

### **62A-4a-202.2. Notice to parents upon removal of child -- Locating noncustodial parent - Written statement of procedural rights and preliminary proceedings.**

(1) (a) Any peace officer or caseworker who takes a minor into protective custody pursuant to Section 62A-4a-202.1 shall immediately use reasonable efforts to locate and inform, through the most efficient means available, the parents, including a noncustodial parent, the guardian, or responsible relative:

- (i) that the minor has been taken into protective custody;
- (ii) the reasons for removal and placement in protective custody;
- (iii) that a written statement is available that explains the parent's procedural rights and the preliminary stages of the investigation and shelter hearing; and
- (iv) of a telephone number where the parent may access further information.

(b) For purposes of locating and informing the noncustodial parent as required in Subsection (1)(a), the division shall search for the noncustodial parent through the national parent locator database if the division is unable to locate the noncustodial parent through other reasonable efforts.

(2) The attorney general's office shall adopt, print, and distribute a form for the written statement described in Subsection (1) (a)(iii). The statement shall be made available to the division and for distribution in schools, health care facilities, local police and sheriff's offices, the division, and any other appropriate office within the Department of Human Services. The notice shall be in simple language and include at least the following information:

(a) the conditions under which a minor may be released, hearings that may be required, and the means by which the parent may access further specific information about a minor's case and conditions of protective and temporary custody; and

(b) the rights of a minor and of the parent or guardian to legal counsel and to appeal.

(3) If a good faith attempt was made by the peace officer or caseworker to notify the parent or guardian in accordance with the requirements of Subsection (1), failure to notify shall be considered to be due to

circumstances beyond the control of the peace officer or caseworker and may not be construed to permit a new defense to any juvenile or judicial proceeding or to interfere with any rights, procedures, or investigations provided for by this chapter or Title 78, Chapter 3a, Juvenile Courts.

## Procedures

A. The CPS worker shall complete the Removal Wizard within five working days of removal, including the placement information.

B. If the parents are not available at the time of removal, the CPS worker shall make a good faith attempt to locate the parents by:

- 2841           1.     Asking the child about the parents' whereabouts.  
2842           2.     Contacting relatives when they have been identified and located and  
2843                 asking about the parents' whereabouts.  
2844           3.     Leaving contact information at the parents' last known residence.  
2845           [See: Utah Code Ann. [§62A-4a-202.3](#) and [§78-3a-301.](#)]  
2846

### 205.3 Removal Of A Child From A Home Where Methamphetamine Or Other Illicit Drugs Are Manufactured

#### Major objectives:

Children located where there is manufacturing of methamphetamines and/or other illicit drugs shall be taken into protective custody where law enforcement determines the child is present and is at risk due to exposure or access to chemicals or other substances used in the production, manufacture, or distribution of these drugs. This may include situations in which the child has been exposed to a contaminated environment.

#### **Summary of the Law**

No governing statute.

#### Procedures

For removal of children from methamphetamine or other illicit drug homes, the following shall apply:

- A. Intake receives the information, staffs the referral with a supervisor, and assigns the case as a priority 1, 1R, or 2 to a CPS worker.
- B. The CPS worker will contact the officer in charge. The officer in charge determines if it is safe for entry. If not safe, the officer in charge will bring the child out to the CPS worker.
- C. The CPS worker shall document, or assure that law enforcement will document, the following, preferably by photographs:
  1. The height of each child.
  2. Safety hazards, such as:
    - a. Counter height where chemicals/drugs are observed;
    - b. Areas where children have access to chemicals/drugs;
    - c. Proximity of food, toys, or clothing to chemicals, needles, etc.
  3. Safety attempts, such as door locks/devices utilized to prevent access to chemicals/drugs.
  4. Play area.
  5. Each room:
    - a. Include walls, floors, ceiling, and objects within each room;
    - b. Describe odors associated with each photograph.

- 
- 2887 D. Obtain a checklist of chemicals/drugs at the scene as identified by law  
2888 enforcement.  
2889
- 2890 E. Specifically for methamphetamine cases: The CPS worker should consult with  
2891 the officer in charge regarding removal of possessions (including medication) or  
2892 clothing from the residence. Removal of possessions or clothing from the  
2893 residence is prohibited except for prescription medications that are clearly  
2894 labeled as a medication for the child. Any medication taken from the scene  
2895 should be placed and secured in a plastic bag.
- 2896 1. The CPS worker shall call the prescribing doctor as soon as possible.
  - 2897 2. The CPS worker shall inform the physician of the child's exposure to  
2898 chemicals and placement into protective custody and shall request that the  
2899 medications prescribed be re-prescribed to the child.
  - 2900 3. The CPS worker shall request instructions from law enforcement on how  
2901 to dispose of the exposed medication.
  - 2902 4. The CPS worker shall ensure that the new prescriptions will be picked up  
2903 from the pharmacy and delivered to the child.  
2904
- 2905 F. Specifically for methamphetamine cases: Determine with law enforcement if  
2906 gross contamination of the child exists. If gross contamination exists, the CPS  
2907 worker will coordinate with law enforcement to ensure that the child is  
2908 decontaminated. The child shall then be transported to a medical facility for  
2909 evaluation.  
2910
- 2911 G. The CPS worker shall notify the shelter of the specific circumstances of the  
2912 removal and any medical needs of the child.  
2913
- 2914 H. Complete the required paperwork. Assure that the law enforcement officer in  
2915 charge of the case is given a copy of the Child and Family Services paperwork.  
2916

## 205.4 Worker Methamphetamine Lab Safety

### Major objectives:

CPS workers will take actions to reduce potential exposure to chemicals/drugs when removing children from situations where methamphetamines have been manufactured.

### **Summary of the Law**

No governing statute.

### Procedures

- A. CPS workers responding to the scene of a methamphetamine lab home shall not wear clothing that cannot be laundered.
- B. CPS workers shall not wear any type of open-toe shoes.
- C. After leaving the scene, the CPS worker shall clean his or her hands with handiwipes, towelettes, or soap and water.
- D. The CPS worker shall shower using mild soap, ensuring that the entire body is thoroughly washed, including the hair.
- E. The CPS worker shall apply fresh clothing.
- F. The CPS worker shall assure that clothing worn at the scene is laundered.
  1. Launder separately from non-work clothes.
  2. Launder in a washing machine utilizing laundry detergent.
  3. Dry the clothing in a clothes dryer.

NOTE: Wrapping the child in cloth from somewhere other than the residence provides adequate protection to the CPS worker and state vehicle.

## **205.5 72-Hour Hold By A Physician**

### Major objectives:

A physician has the legal authority to place a child on a 72-hour hold in a medical facility. Upon notification of a 72-hour hold on a child, the CPS worker shall respond within a priority 1, 1R, or 2 response time frame based upon the protection factors identified in the case. When a physician places a child on a 72-hour hold this constitutes taking the child into protective custody with its accompanying major objectives and procedures. The CPS worker shall request a warrant from an Assistant Attorney General and document the response.

### **Summary of the Law**

#### **62A-4a-407. Protective custody.**

(1) A physician examining or treating a child may take the child into protective custody not to exceed 72 hours, without the consent of the child's parent, guardian, or any other person responsible for the child's care or exercising temporary or permanent control over the child, when the physician has reason to believe that the child's life or safety will be in danger unless protective custody is exercised.

(2) The person in charge of a hospital or similar medical facility may retain protective custody of a child suspected of being abused or neglected, when he reasonably believes the facts warrant that retention. This action may be taken regardless of whether additional medical treatment is required, and regardless of whether the person responsible for the child's care requests the child's return.

(3) The division shall be immediately notified of protective custody exercised under this section. Protective custody under this section may not exceed 72 hours without an order of the district or juvenile court.

### Procedures

The CPS worker shall:

- A. Obtain all relevant medical information on the child.
- B. Obtain all relevant information on the child's parents or guardians and the circumstances that required the physician to invoke the 72-hour hold.
- C. Provide a copy of the Notice of Removal for maintenance in the child's medical chart

- 2988 D. Provide any written instructions for inclusion in the child's medical chart  
2989 regarding visitation by family members, permission to treat, name of CPS worker  
2990 and a way to contact the worker, instructions or arrangements upon discharge,  
2991 etc. [See: Utah Code Ann. [§62A-4a-407.](#)]  
2992

## 205.6 Shelter Hearing

### Major objectives:

A juvenile court shelter hearing shall be held within 72 hours after removal of the child from his or her home, excluding weekends and holidays.

### **Summary of the Law**

#### **78-3a-306. Shelter hearing.**

(1) A shelter hearing shall be held within 72 hours excluding weekends and holidays after any one or all of the following occur:

- (a) removal of the child from his home by the Division of Child and Family Services;
- (b) placement of the child in the protective custody of the Division of Child and Family Services;
- (c) emergency kinship placement under Subsection 62A-4a-202.1(6); or
- (d) as an alternative to removal of the child, a parent has entered a domestic violence shelter at the request of the Division of Child and Family Services.

### Procedures

- A. If the child is in the protective custody of Child and Family Services, a petition shall be filed with the juvenile court, which shall include the following information:
  - 1. The reasons why the child was removed from the custody of the parents or guardian.
  - 2. Reasonable efforts provided to the child and his or her family to prevent removal.
  - 3. The need, if any, for continued custody.
  - 4. The available services that could facilitate the return of the child to the custody of his or her parents or guardian.
  - 5. Whether the child has any relatives who may be able and willing to take temporary custody.
- B. The child shall be present at the Shelter hearing, unless the Guardian ad Litem determines it would be detrimental for the child. Kin identified as emergency kinship placement shall also be present at the Shelter hearing, if possible.
- C. In cases where sexual abuse, abandonment, chronic/severe physical abuse, chronic/severe neglect, or medical neglect resulting in death, disability, or serious illness are involved or when the child has been previously removed from

3032 the same caregiver, Child and Family Services may recommend to the court that  
3033 reunification services not be provided to the parents.

3034  
3035 [See: Utah Code Ann. [§78-3a-306.](#)]  
3036

## 205.7 24-Hour Multi-Disciplinary Staffing

### Major objectives:

A multi-disciplinary team staffing shall be convened within 24 hours after placing a child into protective custody, excluding weekends and holidays. The staffing team members shall review the circumstances regarding removal of the child from their home, and prepare the testimony and evidence that will be required of Child and Family Services at the shelter hearing in accordance with Utah Code Ann. [§78-3a-306](#). In addition, the CPS worker shall discuss family strengths, support systems, and possible kinship placements.

### **Summary of the Law**

#### **62A-4a-105**

...(11) provide noncustodial and in-home preventive services, designed to prevent family breakup, family preservation services, and reunification services to families whose children are in substitute care in accordance with the requirements of this chapter and Title 78, Chapter 3a, Juvenile Court Act of 1996;

(12) provide protective supervision of a family, upon court order, in an effort to eliminate abuse or neglect of a child in that family;

### Procedures

A. The multi-disciplinary team staffing shall be chaired by Child and Family Services. Members of the team shall include, but not be limited to, the following:

1. The CPS worker assigned to the case and the CPS worker who made the decision to remove the child, if not the same person.
2. A representative of the school or school district in which the child attends school.
3. The peace officer who removed the child from the home.
4. A representative of the appropriate Children's Justice Center if one is established within the county where the child resides.
5. Local mental health provider or therapist, or a therapist or counselor who is familiar with the child's circumstances, if known.
6. A member of the Health Care Team.
7. Any other individual as determined to be appropriate and necessary by the team coordinator and chair, such as Child and Family Services clinical staff, health care provider, Guardian ad Litem, domestic violence specialist, etc.
8. Consider inviting family members when legal circumstances permit.

- 3077  
3078 B. Child and Family Services, when possible, shall have available for review and  
3079 consideration the complete CPS and foster care history of the child and the  
3080 child's parents and siblings.  
3081  
3082 C. The team shall determine if there are services that may be made available to the  
3083 family to enable the child to return home.  
3084  
3085 D. The team shall develop a short-term case plan and assign responsibilities for  
3086 completion, if the family is present.  
3087  
3088 E. The team shall consider the possibility of placing the child with a non-custodial  
3089 parent or in a kinship placement after checking the SAFE database and BCI.  
3090  
3091 F. The team shall consider whether the facts of the case meet the criteria for not  
3092 offering reunification. [See: Utah Code Ann. [§78-3a-311.](#)]  
3093  
3094 G. The team shall collect available educational and health information on the child.  
3095  
3096 H. The team shall determine if the child may be immediately returned to the  
3097 custody of a parent or legal guardian due to a change in circumstances or new  
3098 information that has become available since the decision was made to take  
3099 protective custody. Notification to the court shall still be required even if the  
3100 child is returned home.  
3101  
3102 [See: Utah Code Ann. [§62A-4a-202.3.](#)]  
3103

## **206 Kinship: Safety And Permanency**

### **206.1 Kinship**

#### Major objectives:

When a child is placed into protective custody, the CPS worker shall initiate the kinship process. The CPS worker shall consider kinship options that include a non-custodial parent, the putative father, and/or other relatives as defined by statute. The CPS worker shall also consider kinship under ICWA when appropriate. The CPS worker shall provide information obtained about possible kinship placements to the court at the time of the shelter hearing.

#### **Summary of the Law**

##### **62A-4a-209. Emergency kinship placement.**

(1) The division may use an emergency kinship placement under Subsection 62A-4a-202.1(6) when:

- (a) the case worker has made the determination that:
  - (i) the child's home is unsafe;
  - (ii) removal is necessary under the provisions of Section 62A-4a-202.1; and
  - (iii) the child's custodial parent or guardian will agree to not remove the child from the relative's home who serves as the kinship placement and not have any contact with the child until after the shelter hearing required by Section 78-3a-306;
- (b) a relative, with preference being given to a noncustodial parent in accordance with Section 78-3a-307, can be identified who has the ability and is willing to provide care for the child who would otherwise be placed in shelter care, including:
  - (i) taking the child to medical, mental health, dental, and educational appointments at the request of the division; and
  - (ii) the relative has the ability to make the child available to division services and the guardian ad litem; and
  - (c) the relative agrees to care for the child on an emergency basis under the following conditions:
    - (i) the relative meets the criteria for an emergency kinship placement under Subsection (2);
    - (ii) the relative agrees to not allow the custodial parent or guardian to have any contact with the child until after the shelter hearing unless authorized by the division in writing;
    - (iii) the relative agrees to contact law enforcement and the division if the custodial parent or guardian attempts to make unauthorized contact with the child;

(iv) the relative agrees to allow the division and the child's guardian ad litem to have access to the child;

(v) the relative has been informed and understands that the division may continue to search for other possible kinship placements for long-term care, if needed;

(vi) the relative is willing to assist the custodial parent or guardian in reunification efforts at the request of the division, and to follow all court orders; and

(vii) the child is comfortable with the relative.

#### Procedures

At the shelter hearing the CPS worker shall request that the child's parents provide names, addresses, and phone numbers of all possible kinship placements within five days. [See: Utah Code Ann. [§78-3a-307](#).]

[See: Utah Code Ann. [§62A-4a-202.3\(4\)](#) and [§78-3a-306\(5\)\(e\)](#).] [See also: [Section 700](#), General Practice Guidelines--703 ICPC (Interstate Compact for the Placement of Children) Major objectives and Procedures, and [Section 500](#) Kinship Major objectives.]

## 206.2 Emergency Kinship Placement

### Major objectives:

Prior to placing a child in shelter care, the CPS worker may place a child in a temporary emergency kinship placement, at the request of the child's parents or guardian, or at his or her own discretion. Safety, health, and best interest of the child should drive this decision.

### **Summary of the Law**

[See: [Section 206.1.](#)]

### Procedures

#### A. Criteria for an emergency kinship placement:

1. The relative will need to provide the following forms of identification:
  - a. Full names of all persons living in their household, including maiden names;
  - b. Social Security Numbers for all persons living in the household;
  - c. Drivers licenses or other identification for all persons living in the household, when available (the CPS worker only needs to see the Drivers license).
2. Complete BCI/NCIC and SAFE checks on all persons over the age of 18 years living in the relative's household.
3. Complete a home inspection of the relative's home.
4. Request the name of one other relative as a quick reference. When possible, contact the other relative and ask the following questions:
  - a. Would you place a child in this home (referring to the emergency kinship placement)?;
  - b. Are there any other relatives who you would consider as a possible emergency or long-term placement for the child?
5. Have the custodial parent or guardian sign an emergency kinship placement agreement form.

#### B. When the relative agrees to care for the child on an emergency basis they shall agree to the following conditions:

1. The relative meets the criteria for an emergency kinship placement (see subparagraph A above).
2. The relative agrees not to allow the custodial parent or guardian to have any unauthorized contact with the child until after the Shelter hearing and to contact law enforcement and Child and Family Services if the custodial

- 3200 parent or guardian attempts to make contact with the child; the CPS  
3201 worker must authorize any contact with the parent/guardian in writing  
3202 (contact sheet).
- 3203 3. The relative must agree not to talk to the child about the events that led to  
3204 the removal.
- 3205 4. The relative agrees to allow Child and Family Services and the Guardian  
3206 ad Litem to have access to the child.
- 3207 5. The relative has been informed and understands that while they may be  
3208 asked to be a potential long-term placement (guardianship or adoption),  
3209 Child and Family Services will continue to search for other potential  
3210 kinship placements, if needed.
- 3211 6. The relative must be willing to assist the custodial parent or guardian in  
3212 reunification efforts at the request of Child and Family Services and to  
3213 follow all court orders.
- 3214 7. The child is comfortable with the relative.
- 3215 8. The child's custodial parents will agree not to remove the child from the  
3216 home of the kinship placement and not have any contact with the child  
3217 until after the Shelter hearing.
- 3218 9. The relative lives within a reasonable driving distance.
- 3219
- 3220 C. The CPS worker has the following responsibilities after making an emergency  
3221 kinship placement:
- 3222 1. Respond to the emergency kinship placement's calls.
- 3223 2. Complete the regular kinship procedure on the emergency kinship  
3224 placement.
- 3225 3. Offer a family team meeting and convene this meeting prior to the  
3226 shelter hearing.
- 3227

## 206.3 Voluntary Custody

### Major objectives:

The parents or guardian of a child may request that Child and Family Services place their child in a voluntary and temporary out-of-home placement, or a CPS worker may offer a voluntary and temporary out-of-home placement. A voluntary out-of-home placement shall only be used when the parents or guardian can have unrestricted access to the child without presenting a risk to the health, safety, or well-being of the child.

### **Summary of the Law**

#### **62A-4a-105**

13) establish programs and provide services to minors who have been placed in the custody of the division for reasons other than abuse or neglect, pursuant to Section 62A-4a-250;

### Procedures

Voluntary custody is intended to be voluntary. As a result, such a placement is appropriate under limited conditions.

- A. Voluntary placement is appropriate when there is no coercion of the parent and a child is not otherwise facing removal.
- B. The voluntary placement may not exceed 45 calendar days. When additional voluntary care is needed, the worker may request an extension of 35 days prior to the expiration of the 45-day time frame.
- C. The CPS worker shall ensure that the parent or guardian has explored all possible appropriate options for placement of the child with relatives, friends, neighbors, etc. prior to initiating a placement through Child and Family Services.
- D. No Medicaid application shall be completed for a child placed in voluntary custody. The parent or guardian shall have primary obligation for payment of the child's medical care.
- E. No 24-hour multidisciplinary staffing or 72-hour Shelter hearing is required for voluntary custody.

- 3266 F. The CPS worker shall complete the Removal Worksheet and provide that  
3267 information to the provider within 24 hours of the child being placed into  
3268 voluntary custody.  
3269
- 3270 G. The child shall also have a medical within five days of being placed into  
3271 voluntary custody.  
3272

## **207 Conflict Of Interest Investigations**

This section provides guidance for CPS workers when it is determined that investigating the subject of the case would be a conflict of interest for Child and Family Services.

### **207.1 Investigation Involving A Licensed Out-Of-Home Provider Or Child And Family Services Employee**

#### Major objectives:

Child and Family Services will make every effort to coordinate with law enforcement agencies and/or with a contracted independent entity to investigate reports of child abuse, neglect, or dependency when a conflict of interest exists.

## **Summary of the Law**

### **62A-4a-409**

(5) In any case where the division supervises, governs, or directs the affairs of any individual, institution, or facility that has been alleged to be involved in acts or omissions of child abuse or neglect, the investigation of the reported child abuse or neglect shall be conducted by an agency other than the division.

#### Procedures

- A. When a contracted conflict of interest investigator (contract investigator) is involved, the following are procedures:
1. A CPS worker shall be assigned to the case as a secondary worker.
  2. The CPS worker shall complete the face-to-face contact within the priority time frame as requested by a contract investigator when they cannot reasonably meet the priority time frames.
  3. The CPS worker shall take steps to ensure the safety of any children in the home. Such steps may include the following:
    - a. If it is determined that removal is necessary, follow Removal Major objectives.
    - b. If the child remains in the parent or caregivers' home during the investigation, and if the contract investigator notifies the CPS worker that a safety plan is needed to ensure that the child will remain safely in the home, the CPS worker shall prepare a safety plan. If the child is in foster care, the safety plan shall be developed with input from the CPS worker, the ongoing worker, the foster

- 3312 parents, the family resource consultant, and the contract  
3313 investigator.
- 3314 c. Child and Family Services regional administration shall be  
3315 responsible for reporting concerns to licensing.  
3316
- 3317 B. When Child and Family Services does not have a contract with an independent  
3318 entity, the investigation shall be handled by law enforcement. If law  
3319 enforcement refuses to investigate, another region shall investigate.
- 3320 1. The CPS worker shall work with law enforcement to obtain all of the  
3321 information needed to complete the investigation per Child and Family  
3322 Services major objectives. If law enforcement refuses to complete any or  
3323 all of the investigation per Child and Family Services major objectives,  
3324 clearly document their refusal in the activity recording.
- 3325 2. The CPS worker shall request that law enforcement complete the  
3326 interview of any child involved, the foster parents, and collateral sources.  
3327 If law enforcement refuses to complete any or all interviews, the CPS  
3328 worker shall clearly document the refusal in the activity recording and,  
3329 when possible, complete the interviews.
- 3330 3. The CPS worker shall consult with law enforcement to determine whether  
3331 the case should be supported.
- 3332 4. If law enforcement is completing the investigation and the investigation  
3333 has been open for more than 25 days, the CPS worker shall consult with  
3334 law enforcement to determine if an extension is needed.  
3335

## 207.2 Investigation Involving A Child Care Provider Or Child Care Center

### Major objectives:

CPS shall investigate reports of abuse, neglect, or dependency that occur in licensed child care facilities.

## Summary of the Law

### 62A-4a-409

(5) In any case where the division supervises, governs, or directs the affairs of any individual, institution, or facility that has been alleged to be involved in acts or omissions of child abuse or neglect, the investigation of the reported child abuse or neglect shall be conducted by an agency other than the division.

### Procedures

- A. The Department of Health, Child Care Licensing unit shall be contacted by the CPS worker.
- B. The CPS worker shall coordinate with the Department of Health regarding licensing violations.
- C. CPS investigation requirements for child care providers shall be the same as for other referrals investigated by Child and Family Services.

## **Indian Child Welfare Act (ICWA): Protecting Indian Culture**

### **208.1 Placement Of A Native American Child Into Protective Custody**

#### Major objectives:

A CPS investigation shall be completed in compliance with ICWA procedures in order to show deference to the cultural needs of Indian families in Utah. CPS investigations shall be completed in compliance with ICWA standards. The CPS worker shall determine whether the child and family are Indian, complete an investigation that respects the cultural standard of the tribe, and notify the tribe immediately of any legal action taken during the investigation.

With regard to an Indian child who resides on a reservation but is temporarily located off the reservation from his or her parent or Indian custodian, nothing shall prevent the emergency removal of an Indian child or the emergency placement of such child in a foster home or institution under applicable state law in order to prevent imminent physical injury or harm to the child. The state authority, official, or agency involved shall ensure that the emergency removal or placement terminates immediately when removal or placement is no longer necessary to prevent imminent physical injury or harm to the child.

During the initial contact with all families under investigation, the CPS worker shall ask if there is any Native American lineage that might make the child eligible for membership in any Native American Tribe.

#### **Summary of the Law**

##### **62A-4a-105**

(6) promote and enforce state and federal laws enacted for the protection of abused, neglected, dependent, delinquent, ungovernable, and runaway children, and status offenders, in accordance with the requirements of this chapter, unless administration is expressly vested in another division or department of the state. In carrying out the provisions of this Subsection (6), the division shall cooperate with the juvenile courts, the Division of Youth Corrections, and with all public and private licensed child welfare agencies and institutions to develop and administer a broad range of services and supports. The division shall take the initiative in all matters involving the protection of abused or neglected children if adequate provisions have not been made or are not likely to be made,

3400 and shall make expenditures necessary for the care and protection of those children,  
3401 within the division's budget;

3402

3403 Procedures

3404 Found in [Section 705](#), ICWA Major objectives.

3405

## **209 Case Transfers And Courtesy Services**

This section provides guidance regarding CPS case transfers and courtesy services for another state or agency.

### **209.1 Transfer Of A Case When A Child Has Moved Out Of The State Of Utah**

#### Major objectives:

Child and Family Services will make reasonable efforts to ensure that a CPS investigation is not interrupted when an alleged victim has moved out of the state.

#### **Summary of the Law**

No governing statute.

#### Procedures

The following steps shall be used when the child and family can no longer be located within the state of Utah.

- A. If the child and family move outside the state of Utah before the CPS worker is able to make the face-to-face contact with the child and the new location of the child and family is known, the CPS worker shall contact the state child welfare agency where the family has moved and request courtesy casework. The CPS worker may also contact law enforcement in the state where the child has moved to complete investigative interviews. If the state child welfare agency where the family has moved refuses to complete courtesy casework and law enforcement is unable or unwilling to complete interviews, the case shall be closed "unable to locate." If the receiving state child welfare agency agrees to complete the courtesy casework, the CPS worker shall make the appropriate finding based on information from the receiving state. If a finding of supported is made against one or both of the parents/caregivers, upon case closure a Notice of Agency Action shall be sent to the address of family in the current state of residence.
- B. If the child and family move outside the state of Utah after the CPS worker has made the face-to-face contact with the alleged victim and the whereabouts of the child and family are known, the CPS worker shall contact the state child welfare agency where the family has moved and shall make a request for courtesy casework, providing the information that was obtained in the investigation. The CPS worker may also contact law enforcement in the state where the child has

3446 moved to complete investigative interviews. If the state child welfare agency  
3447 where the family has moved refuses to complete courtesy casework and law  
3448 enforcement is unable or unwilling to complete the interviews, the case shall be  
3449 closed as "unable to complete investigation." If the receiving state child welfare  
3450 agency agrees to complete the courtesy casework, the CPS worker shall make the  
3451 appropriate finding based on information from the receiving state and casework  
3452 completed in Utah. If a finding of supported is made against one or both of the  
3453 parents/caregivers, upon case closure a Notice of Agency Action shall be sent to  
3454 the address of family in the current state of residence.  
3455

- 3456 C. If the child and family move out of the state of Utah after the CPS worker has  
3457 made the face-to-face contact with the alleged victim and the whereabouts of the  
3458 child and family are unknown, the CPS worker shall make reasonable efforts to  
3459 locate the family in order to make a request courtesy casework from the state  
3460 child welfare agency where the family now resides.  
3461

3462 If the facts of the investigation establish reason to suspect the child is in imminent  
3463 danger, the CPS worker shall make appropriate referrals to CPS and law enforcement in  
3464 the other state and screen the case with the Assistant Attorney General.  
3465

## 209.2 Transfer Of A Case When A Child Has Moved Within The State Of Utah

### Major objectives:

Child and Family Services offices will cooperate to ensure that a CPS investigation is not interrupted and children are not placed in danger when an alleged victim has moved within the State of Utah.

### **Summary of the Law**

No governing statute.

### Procedures

The following procedures shall be used to determine when a case shall be transferred to a different office when it has been determined that the child has moved:

- A. If the child and family moved within the same regional boundaries during the course of the investigation, the CPS worker originally assigned to the case shall complete all remaining investigative activities and ensure that the case is closed per major objectives. If distance makes continuation and/or completion of the investigation impractical, the case may be transferred to the office where the child resides. The transferring and receiving supervisors must coordinate the transfer.
- B. If the child and the family moved within the state of Utah but outside of the regional boundaries, the case may be transferred to the new region or a request may be made for courtesy casework.
- C. If the child and family moved after the CPS worker has made the face-to-face contact with the alleged victim and the whereabouts of the child and family are unknown, the CPS worker shall make reasonable efforts to locate the family in order to complete the investigation. Once reasonable efforts have been made, the case may be closed as "Unable to Complete Investigation."

### 209.3 Request For Courtesy Casework

Major objectives:

A CPS worker may request courtesy assistance for completion of investigative activities on an open CPS case when the child or other individual related to the case is not accessible to the assigned CPS worker.

### Summary of the Law

No governing statute.

Procedures

When a courtesy casework request within the state of Utah is made, the requesting CPS worker shall complete the following:

- A. Notify their supervisor or designee of the need for courtesy casework. The supervisor of the requesting CPS worker shall ask the receiving supervisor to assign a courtesy CPS worker.
  1. The requesting CPS worker shall staff with the receiving CPS worker to coordinate investigative activities and give as much notice as possible for completion of the courtesy activity.
  2. The requesting CPS worker shall maintain responsibility for the case and for decisions made on the case, such as determination as to the case finding.
  3. The courtesy caseworker will be assigned as a secondary worker to complete the case activity requested.
- B. Within five days of completing the courtesy activity, the receiving CPS worker shall enter the activity logs in SAFE.

## **209.4      Courtesy Casework Request From Another State**

### Major objectives:

CPS may respond to another state's request for courtesy assistance to complete investigative activities when the child or other individual related to the case is in Utah.

### **Summary of the Law**

No governing statute.

### Procedures

When a CPS worker is assigned a request for courtesy casework from another state, the CPS worker shall keep a record of all activities and shall forward another copy of the information to the requesting agency within the time frames identified by the requesting source.

## **210 Child Protective Services Records: Confidentiality And Rights To Review**

This section provides guidance to CPS workers who must maintain the confidentiality of records and advise clients or others of their rights and restrictions concerning confidential records.

### **210.1 Confidentiality Of CPS Records**

#### Major objectives:

Reports of child abuse, neglect, or dependency, as well as any other information in the possession of Child and Family Services, obtained as the result of a report of child abuse, neglect, or dependency, is confidential and may only be made available in accordance with Utah Code Ann. [§62A-4a-412](#).

#### **Summary of the Law**

##### **62A-4a-412. Reports and information confidential.**

(1) Except as otherwise provided in this chapter, reports made pursuant to this part, as well as any other information in the possession of the division obtained as the result of a report are private, protected, or controlled records under Title 63, Chapter 2, Government Records Access and Management Act, and may only be made available to:

(a) a police or law enforcement agency investigating a report of known or suspected child abuse or neglect;

(b) a physician who reasonably believes that a child may be the subject of abuse or neglect;

(c) an agency that has responsibility or authority to care for, treat, or supervise a child who is the subject of a report;

(d) a contract provider that has a written contract with the division to render services to a child who is the subject of a report;

(e) any subject of the report, the natural parents of the minor, and the guardian ad litem;

(f) a court, upon a finding that access to the records may be necessary for the determination of an issue before it, provided that in a divorce, custody, or related proceeding between private parties, the record alone is:

(i) limited to objective or undisputed facts that were verified at the time of the investigation; and

(ii) devoid of conclusions drawn by the division or any of its workers on the ultimate issue of whether or not a person's acts or omissions constituted any level of abuse or neglect of another person;

(g) an office of the public prosecutor or its deputies in performing an official duty;

(h) a person authorized by a Children's Justice Center, for the purposes described in Section 67-5b-102;

(i) a person engaged in bona fide research, when approved by the director of the division, if the information does not include names and addresses;

(j) the State Office of Education, acting on behalf of itself or on behalf of a school district, for the purpose of evaluating whether an individual should be permitted to obtain or retain a license as an educator or serve as an employee or volunteer in a school, limited to information with substantiated findings involving an alleged sexual offense, an alleged felony or class A misdemeanor drug offense, or any alleged offense against the person under Title 76, Chapter 5, Offenses Against the Person, and with the understanding that the office must provide the subject of a report received under Subsection (1)(k) with an opportunity to respond to the report before making a decision concerning licensure or employment; and

(k) any person identified in the report as a perpetrator or possible perpetrator of child abuse or neglect, after being advised of the screening prohibition in Subsection (2).

(2) (a) No person, unless listed in Subsection (1), may request another person to obtain or release a report or any other information in the possession of the division obtained as a result of the report that is available under Subsection (1)(k) to screen for potential perpetrators of child abuse or neglect.

(b) A person who requests information knowing that it is a violation of Subsection (2)(a) to do so is subject to the criminal penalty in Subsection (4).

(3) Except as provided in Section 62A-4a-116.3, the division and law enforcement officials shall ensure the anonymity of the person or persons making the initial report and any others involved in its subsequent investigation.

(4) Any person who willfully permits, or aides and abets the release of data or information obtained as a result of this part, in the possession of the division or contained on any part of the Management Information System, in violation of this part or Sections 62A-4a-116 through 62A-4a-116.3, is guilty of a class C misdemeanor.

(5) The physician-patient privilege is not a ground for excluding evidence regarding a child's injuries or the cause of those injuries, in any proceeding resulting from a report made in good faith pursuant to this part.

---

Procedures

- A. Under Utah Code Ann. [§62A-4a-412](#), reports of child abuse, neglect, or dependency and all information related to the report shall only be available to:
1. A police or law enforcement agency investigating a report of known or suspected child abuse, neglect, or dependency.
  2. A physician who reasonably believes that a child may be the subject of abuse, neglect, or dependency.
  3. An agency that has the responsibility or authority to care for, treat, or supervise a child who is the subject of a report.
  4. A contract provider that has a written contract with Child and Family Services to render services to a child who is the subject of a report.
  5. Any subject of the report, the natural parents of the minor, the Office of Guardian ad Litem, and CASA.
  6. A court, upon a finding that access to the records may be necessary for the determination of an issue before it, provided that in a divorce, custody, or related proceeding between private parties the record alone is:
    - a. Limited to objective or undisputed facts that were verified at the time of the investigation;
    - b. Devoid of conclusions drawn by Child and Family Services or any of its social workers on the ultimate issue of whether or not a person's acts or omissions constituted any level of abuse, neglect, or dependency of another person. [See: Utah Code Ann. [§62A-4a-412\(1\)\(e\)\(i\)\(ii\)](#).]
  7. An office of the public prosecutor or its deputies in performing an official duty.
  8. A person authorized by a Children's Justice Center for the purposes described in Utah Code Ann. [§67-5b-102](#).
  9. A person engaged in bona fide research, when approved by the director of Child and Family Services, if the information does not include names and addresses.
  10. The state Office of Education, acting on behalf of itself or on behalf of a school district, for the purpose of evaluating whether an individual should be permitted to obtain or retain a license as an educator or serve as an employee or volunteer in a school, limited to information with substantiated findings involving an alleged sexual offense, an alleged felony or class A misdemeanor drug offense, or any alleged offense against the person under Title 76, Chapter 5, Offenses Against the Person, and with the understanding that the office must provide the subject of a report received under Subsection (1)(k) with an opportunity to respond to the report before making a decision concerning licensure or employment.

11. Any person identified in the report as an alleged perpetrator or possible perpetrator of child abuse, neglect, or dependency after being advised of the screening prohibition.

B. No person, unless listed above, may request another person to obtain or release a report or any other information in the possession of Child and Family Services obtained as a result of the report that is available under Subsection (1)(k) to screen for potential perpetrators of child abuse, neglect, or dependency.

C. A person who requests information knowing that it is a violation of Subsection (2)(e) to do so is subject to the criminal penalty in Subsection (4).

D. Except as provided in Utah Code Ann. [§62A-4a-116\(8\)\(c\)](#), Child and Family Services and law enforcement officials shall ensure the anonymity of the person or persons making the initial report and any others involved in its subsequent investigation.

E. Any person who willfully permits or aides and abets the release of data or information obtained as a result of this part, in the possession of Child and Family Services, or contained on any part of the management information system, in violation of this part or Utah Code Ann. [§62A-4a-116](#), is guilty of a class C misdemeanor.

F. The physician/patient privilege is not grounds for excluding evidence regarding a child's injuries or the cause of those injuries in any proceeding resulting from a report made in good faith pursuant to this part.

## 210.2 Request For CPS Records

### Major objectives:

Individuals or agencies identified by Utah Code Ann. [§62A-4a-412](#) may request a copy of the CPS record, excluding third party information. This copy must first be edited according to GRAMA regulations. Exceptions to GRAMA may be found in Utah Code Ann. [§62A-4a-412](#).

### **Summary of the Law**

[See: [Section 210.1](#).]

### Procedures

- A. The individual making the request shall complete a GRAMA request form, a Request for Administrative Hearing form, or provide a request in another written form.
- B. The records shall be released in accordance with Utah Code Ann. [§63-2-201](#).

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## ADMINISTRATIVE RULES

### **Department of Human Service, Division of Child and Family Services, Rule R512-1-3. Intervention Services.**

A. Protective Services. Child abuse and neglect investigation and services shall be provided to eligible clients. All referrals received alleging child abuse and neglect will be investigated in accordance with the provisions of Section 62A-4a-409. The Division will determine whether or not a child has been abused or neglected, or is in danger thereof, and shall take necessary action to protect the child from potential danger. Temporary care of children in shelter homes may be provided when children cannot be returned home due to the likelihood of further abuse or neglect. The parents of a child in shelter care will be kept informed of the child's health and safety and will be involved in developing plans for themselves and their child. If parents desire to visit their child in shelter care, shelter staff will arrange, as appropriate, visits with the child at the location designated by shelter staff but not at the shelter home. Assessment and treatment services will be provided to victims of child sexual abuse and their families.

1. Access. Investigations will be conducted using all appropriate referrals of alleged child abuse or neglect.